

TRANSITION PLAN RECOMMENDATIONS

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1.1 INTRODUCTION AND OVERVIEW

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, access to public accommodations, transportation, and telecommunications. The ADA is companion civil rights legislation with the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. This legislation mandates that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity. The Act also provides disabled employees with certain protections and requires employers to make reasonable accommodation for disabled applicants and employees.

The ADA is divided into five parts, covering the following areas:

Title I: EMPLOYMENT

Under this title, employers, including governmental agencies, must ensure that their practices do not discriminate against persons with disabilities in the application, hiring, advancement, training, compensation, or discharge of an employee, or in other terms, conditions, and rights of employment.

Title II: PUBLIC SERVICES

This title prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to persons with disabilities. It is under this Title that a self-evaluation is prepared. The self-evaluation is intended to outline programs and services of the Town of Framingham, MA and to evaluate what policies and procedures must be changed or implemented to effect the non-discrimination policies described in Title II. Further, program accessibility must be provided not only to members of the public but also to staff participating in programs of the Town.

Title III: PUBLIC ACCOMMODATIONS

Title III requires places of public accommodation to be accessible to and usable by persons with disabilities. The term “public accommodation” as used in the definition is often misinterpreted as applying to public agencies, but the intent of the term is to refer to any privately funded and operated facility serving the public.

Title IV: TELECOMMUNICATIONS

This title covers regulations regarding private telephone companies and requires common carriers offering telephone services to the public to increase the availability of interstate and intrastate telecommunications relay services to individuals with hearing and speech impairments.

Title V: MISCELLANEOUS PROVISIONS

This title contains several miscellaneous regulations, including construction standards and practices, provisions for attorney's fees, and technical assistance provisions. Title II dictates that a public entity must evaluate its services, programs, policies, and practices to determine whether they are in compliance with the nondiscrimination regulations of the ADA. The regulations detailing compliance requirements were issued in July, 1991. These regulations mandate that each public entity is required to examine activities and services, identify problems or physical barriers that may limit accessibility by the disabled, and describe potential compliance solutions. The entity must then proceed to make the necessary changes resulting from the self-evaluation. The ADA further requires that a transition plan be prepared to describe any structural or physical changes required to make programs accessible. The Town of Framingham, MA ADA Transition Plan is a companion to the documents that comprise the self-evaluation portion of the report and can be reviewed in the report appendixes.

DEFINITION OF DISABILITY

In the ADA, the term "disability" means, with respect to an individual:

- 1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- 2) a record of such an impairment; or
- 3) being regarded as having such an impairment.

If an individual meets any one of these three tests, he or she is considered to be an individual with a disability for purposes of coverage under the Americans with Disabilities Act. The Final Rules of the ADA describe in greater detail the conditions included and excluded as disabilities under the ADA, and these rules should be referred to if more detailed descriptions of covered disabilities is desired.

1.2 PUBLIC PROCESS AND INPUT

The transition plan must be formally adopted by the Town of Framingham, MA Board of Selectmen. The Town shall hold a public hearing to gather input on this transition plan, and shall make the document available to the public to allow submission of written comments. All comments must be addressed prior to adoption of the plan. Adoption of the plan commits the Town to the barrier removal described in the transition plan, according to the schedule given. Any future changes to the plan must be considered with the same standard of public input.

1.3 RELATIONSHIP OF SELF-EVALUATION & TRANSITION PLAN

The self-evaluation describes all of the programs and services of the Town and how they will be made accessible. Programs can be made accessible in three ways:

- 1) Minor programmatic changes, such as providing test material in alternate formats,
- 2) Moving the program to an accessible site or facility, or
- 3) Making facility upgrades, “structural modifications”, to the program site.

It is rare that an entity’s facilities are completely accessible, or that they have enough accessible facilities to locate all programs at accessible locations without making some modifications when viewing their programs in their entirety. The transition plan documents facility accessibility and provides a plan for making necessary changes.

1.4 TRANSITION PLAN REQUIREMENTS

The major purpose of a Transition Plan, as it relates to buildings and facilities owned and operated by a public entity, is to document the barriers to persons with disabilities that are present in the facilities, and to propose the structural and non-structural steps that will be undertaken to provide program accessibility. Many components contributed to the development of this Transition Plan including: comprehensive surveys and evaluation of the architectural barriers present at Town owned, operated, or utilized facilities. The term “facilities” is intended to include buildings, structures, or any part of real property that involves a specific use by persons. The surveying process was conducted in **February 2006**, leading up to the drafting of this Transition Plan.

It is important to note that for the purposes of this Transition Plan, the date of each accessibility survey serves as the “datum” point, indicative of the state of the facility as included in the accessibility reports. While the Town has been making ongoing improvements and removing barriers as possible on a continual basis, some physical improvements listed in the detailed surveys may have been begun, partially completed, or fully completed prior to the adoption of this Transition Plan.

It is likely that the Town will continue to undertake structural modifications as part of capital improvement projects.

1.5 DESCRIPTION OF FACILITY ACCESSIBILITY

Determination that a facility, or portion thereof, is accessible is based on the standards of the Americans with Disabilities Act Accessibility Guidelines (ADAAG), and the criteria established by this document. It is not required that all facilities, or facility areas, be accessible to meet the program compliance requirement of the ADA. The ADAAG sets standards for accessibility of specific elements, and establishes “scoping” requirements for new construction and remodeling. “Scoping” determines which elements need to be accessible for a given type of work.

Where the Town undertakes new construction or modernization of facilities not restricted to accessibility work, modifications to upgrade accessibility features may be required that are not proposed in this transition plan. Such work may also be triggered by the applicable state MAAB guidelines or local building codes and this future work is separate from the program access requirement addressed by the self-evaluation and transition plan.

1.6 TRANSITION PLAN PRIORITIES

One of the most important aspects of preparing a transition plan is assigning priorities to structural modifications necessary to achieve program access. Obviously, the highest priority items should be undertaken first, and the schedule for completion is dependent on these determinations.

1.7 MAINTENANCE OF ACCESSIBLE FEATURES

Under ADA Title II 28 CFR § 35.133(a), Towns must maintain in working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities. Inoperable elevators or wheelchair lifts, locked accessible doors, or accessible routes that are obstructed by furniture, filing cabinets, or potted plants are neither “accessible to” nor “usable by” individuals with disabilities under 28 CFR. § 35.133 (Preamble). Section 504 regulations do not contain a comparable provision concerning the maintenance of accessible features. It should be noted that ADA requirements regarding the maintenance of accessible features do not prohibit temporary obstructions or isolated instances of mechanical failure under 28 CFR. § 35.133(b) (Preamble). Isolated or temporary interruptions in service or access due to maintenance or repairs are also not prohibited under 28 CFR. § 35.133(b). However, allowing obstructions or “out of service” equipment to persist beyond a reasonable period of time would violate this requirement, as would repeated mechanical failures due to improper or inadequate maintenance under 28 C.F.R. § 35.133 (Preamble). The Town of Framingham should maintain a system of monitoring accessibility improvements at all Town facilities to assure ongoing compliance with the ADA and ADA Accessibility Guidelines and to take all reasonable steps to provide both programmatic and physical access for persons with disabilities. Programmatic requirements, such as the provision of

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TTY's, sign language interpreters, and alternative written formats, should be monitored by the ADA Coordinator.

While physical access items should be reviewed and monitored at a general level by the ADA Coordinator, detailed monitoring of such items should be delegated to the Town's Directors of Facilities and Grounds or Building Services, who would ultimately be responsible for maintenance and repairs. The Director of Facilities and Grounds or Building Services should designate a supervisor to oversee accessibility related improvements at the various Town sites, train personnel on how to keep systems in working order, and resolve details of potential or reported problems. Maintenance of accessible features and specific conditions that should be maintained to provide physical accessibility include, but are not necessarily limited to, the following items:

- 1) Maintain exterior pathways and repair any surface irregularities that may become greater than 1/2" due to wear or cracking, and make other repairs to keep pathways from causing hazardous conditions.
- 2) Maintain accessible parking spaces to have all appropriate signage and to keep access aisles to the spaces and to the main entrances they serve clear and usable.
- 3) Maintain and replace as required all building signage that would direct persons with disabilities to the accessible paths of travel and accessible entrances.
- 4) Maintain all doors providing primary accessibility to be fully operable and unlocked during normal hours of operation of the facility and ensure that battery operated automatic door push controls are changed and tested on a regular basis.
- 5) Maintain all door pressures required to open doors to be as low as possible, but in no case more than 15 pounds for exterior doors and 5 pounds for interior doors.
- 6) Maintain all elevators in proper working condition. Set up and monitor yearly maintenance inspections by contracted elevator maintenance companies and State Elevator Safety Unit for all elevators.
- 7) Maintain all wheelchair lifts in proper working condition, with keys prominently displayed at facility main offices. Set up and monitor yearly maintenance inspections by contracted lift maintenance companies and State Elevator Safety Unit for all lifts.
- 8) Maintain and monitor objects mounted on walls to protrude no more than 4" into paths of travel.
- 9) Maintain audible and visual fire alarms and pull stations to be fully operational.
- 10) Maintain all accessible plumbing fixtures, including toilets, urinals, lavatories, sinks, faucets, showers, and drinking fountains, to be fully operational and in compliance with accessibility codes.
- 11) Maintain all toilet accessories to be fully operational and mounted no more than 48" above the floor at all accessible restrooms.

2.0 TOWN RESPONSIBILITIES UNDER THE ADA

Section Summary

Title II of the ADA mandates that programs, services, and activities provided by government agencies be offered equally to people with disabilities. This is the primary section applied to the Town of Framingham, MA and the focus of the transition plan. Each government agency must demonstrate that its programs and activities, when viewed in their entirety, are provided equally and without discrimination.

The Town has a variety of obligations under Title II of the ADA. Title II of the ADA is similar to Section 504 of the Rehabilitation Act of 1973, but differs in that Section 504 applies only to government agencies that receive federal financial assistance. The purpose of Section 504 is to ensure that no otherwise qualified individual with disabilities shall, solely by reason of his or her disability, be discriminated against under any program or activity receiving federal financial assistance. The Town has been subject to and operated under the requirements of Section 504 since 1977.

The ADA specifically states intent not to apply lesser standards than are required under other federal, state, or local laws; therefore, the law which is the most stringent has precedence. This intent has particular application with respect to the Town's obligations under Section 504, which in some cases, exceed ADA requirements with respect to structural and physical changes. Title II mandates that public entities, may not require eligibility criteria for participation in programs and activities that would screen persons with disabilities, unless it can be proven that such requirements are necessary for the mandatory provision of the service or program. A public entity must reasonably modify its policies and procedures to avoid discrimination toward individuals with disabilities. However, if the public entity can demonstrate that a modification would fundamentally alter the nature of its service, it would not be required to make that modification. Title II also discusses the use of auxiliary aids necessary to enable persons who have visual, hearing, mobility, or similar impairments to gain access to programs and activities provided by making an appropriate reasonable accommodation.

The lone exception to these requirements would be because of undue hardship. "Undue hardship" is defined in the ADA as an "action requiring significant difficulty or expense" when considering the nature and cost of the accommodation in relation to the size, resources, and structure of the specific operation. Undue hardship is determined on a case-by-case basis. The Town is required to prepare a self-evaluation, to assess its programs and services to assure that discriminatory practices are identified and removed. Where it is necessary to remove architectural barriers to program accessibility, the Town must also prepare a transition plan. "Architectural barriers" are elements of the facility structure, i.e. permanent elements of the building that make the facility or portions inaccessible. The transition plan outlines the

structural modifications it will implement to make its programs and services accessible to people with disabilities.

PROGRAM ACCESSIBILITY, Section 504 and ADA Title II

The Town may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. The Town's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "program accessibility," applies to all existing facilities of the Town. The Town is not, however, required to make each of their existing facilities accessible.

ILLUSTRATION 1: When a city holds a public meeting in an existing building, it must provide ready access to, and use of, the meeting facilities to individuals with disabilities. The city is not required to make all areas in the building accessible, as long as the meeting room is accessible. Accessible telephones and bathrooms should also be provided where these services are available for use of meeting attendees.

The absence of individuals with disabilities living in an area cannot be used as the test of whether programs and activities must be accessible.

Can back doors and freight elevators be used to satisfy the program accessibility requirement? Yes, but only as a last resort and only if such an arrangement provides accessibility comparable to that provided to persons without disabilities, who generally use front doors and passenger elevators. For example, a back door is acceptable if it is kept unlocked during the same hours the front door remains unlocked; the passageway to and from the floor is accessible, well-lit, and neat and clean; and the individual with a mobility impairment does not have to travel excessive distances or through nonpublic areas such as kitchens and storerooms to gain access. A freight elevator would be acceptable if it were upgraded so as to be usable by passengers generally and if the passageways leading to and from the elevator are well-lit and neat and clean.

Are there any limitations on the program accessibility requirement? Yes. The Town does not have to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity or in undue financial and administrative burdens. This determination can only be made by the Town Manager (head of the public entity or his or her designee) and must be accompanied by a written statement of the reasons for reaching that conclusion. The determination that undue burdens would result must be based on all resources available for use in the program. If an action would result in such an alteration or such burdens, the Town must take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits and services of the program or activity.

Methods for providing program accessibility

The Town may achieve program accessibility in a number of ways. In many situations, providing access to facilities through structural methods, such as alteration of existing facilities and acquisition or construction of additional facilities, may be the most efficient method of providing program accessibility. The Town may, however, pursue alternatives to structural changes in order to achieve program accessibility. Nonstructural methods include acquisition or redesign of equipment, and relocation of programs and services to alternate facilities and accessible sites.

ILLUSTRATION 1: The Town has departmental offices on the second floor of an existing facility where they conduct business with members of the public. There are frequent interruptions in service with the existing elevator. Ms. Q, a member of the public requires access to a Town department office, but has a respiratory condition that prevents her from climbing steps. The Town must relocate the services to an accessible ground floor location or take alternative steps, including moving the service or department to another building, in order to allow Ms. Q to participate in the Town services.

ILLUSTRATION 2: A public library's open stacks are located on upper floors having no elevator. As an alternative to installing a lift or elevator, library staff may retrieve books for patrons who use wheelchairs. The aides must be available during the operating hours of the library.

When choosing a method of providing program access, a public entity must give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities.

ILLUSTRATION: A rural, one-room library has an entrance with several steps. The library can make its services accessible in several ways. It may construct a simple wooden ramp quickly and at relatively low cost. Alternatively, individuals with mobility impairments may be provided access to the library's services through a bookmobile, by special messenger service, through use of clerical aides, or by any other method that makes the resources of the library "readily accessible." Priority should be given, however, to constructing a ramp because that is the method that offers library services to individuals with disabilities and others in the same setting.

Curb ramps (Curb Cut Plan)

Curb Cut Survey and Recommendations, prepared by the Contractor's sub-consultant Metrowest Center for Independent Living will be included as a separate reporting to the Town's ADA Self –Evaluation and Transition Plans Recommendations document.

Public entities that have responsibility or authority over streets, roads, or walkways must prepare a schedule for providing curb ramps where pedestrian walkways cross curbs. Public entities must give priority to walkways serving State and local government offices and facilities, transportation, places of public accommodation, and employees, followed by walkways serving other areas.

To promote both efficiency and accessibility, public entities may choose to construct curb ramps at every point where a pedestrian walkway intersects a curb. However, public entities are not necessarily required to construct a curb ramp at every such intersection.

Alternative routes to buildings that make use of existing curb cuts may be acceptable under the concept of program accessibility in the limited circumstances where individuals with disabilities need only travel a marginally longer route. In addition, the fundamental alteration and undue burdens limitations may limit the number of curb ramps required. To achieve or maintain program accessibility, it may be appropriate to establish an ongoing procedure for installing curb ramps upon request in areas frequented by individuals with disabilities as residents, employees, or visitors.

Existing parking lots or garages

A public entity should provide an adequate number of accessible parking spaces in existing parking lots or garages over which it has jurisdiction.

Historic preservation programs

Special program accessibility requirements and limitations apply to historic preservation programs. Historic preservation programs are programs conducted by the Town that have preservation of historic properties as a primary purpose. An historic property is a property that is listed or eligible for listing in the National Register of Historic Places or a property designated as historic under State or local law.

In achieving program accessibility in historic preservation programs, the Town entity must give priority to methods that provide physical access to individuals with disabilities. Physical access is particularly important in an historic preservation program, because a primary benefit of the program is uniquely the experience of the historic property itself.

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Are there any special limitations on measures required to achieve program accessibility in historic preservation programs in addition to the general fundamental alteration / undue financial and administrative burdens limitations?

Yes, the Town is not required to take any action that would threaten or destroy the historic significance of a Town owned historic property. In cases where physical access cannot be provided because of either this special limitation, or because an undue financial burden or fundamental alteration would result, alternative measures to achieve program accessibility must be undertaken.

ILLUSTRATION: Installing an elevator in an historic house museum to provide access to the second floor bedrooms would destroy architectural features of historic significance on the first floor. Providing an audio-visual display of the contents of the upstairs rooms in an accessible location on the first floor would be an alternative way of achieving program accessibility.

Does the special limitation apply to programs that are not historic preservation programs, but just happen to be located in historic properties?

No. In these cases, nonstructural methods of providing program accessibility, such as relocating all or part of a program or making home visits, are available to ensure accessibility, and no special limitation protecting the historic structure is provided.

Your completed transition plan must be available to the public, a dedicated website is one way to accomplish this. Some districts have a subdirectory in an existing Town website that contains all public notices and legal information that must be available to the public.

Leased buildings

The Town is encouraged, but not required, to lease accessible space. The availability of accessible private commercial space will steadily increase over time as the title III requirements for new construction and alterations take effect. Although the Town is not required to lease accessible space, once it occupies a facility, it must provide access to all of the programs conducted in that space. The more accessible the existing space is at the start, the easier and less costly it will later to make programs available to individuals with disabilities and to provide reasonable accommodations for employees (under ADA Title I – Employment).

Equally effective communication

The Town must ensure that its communications with individuals with disabilities are as effective as communications with others. This obligation, however, does not require the Town to take any action that it can demonstrate would result in a fundamental alteration in the nature of its services, programs, or activities, or in undue financial and administrative burdens.

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In order to provide equal access, the Town is required to make available appropriate auxiliary aids and services where necessary to ensure effective communication.

What are auxiliary aids and services?

Auxiliary aids and services include a wide range of services and devices that promote effective communication.

Examples of auxiliary aids and services for individuals who have vision and hearing impairments include, but are not limited to: qualified interpreters, notetakers, CART Reporting, written materials in alternate formats, Braille documents, audio recordings, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's / TTY's), videotext displays, and exchange of written notes.

The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the length and complexity of the communication involved.

ILLUSTRATION 1: Some individuals who have difficulty communicating because of a speech impairment can be understood if individuals engaging them merely listen carefully and take the extra time that is necessary.

ILLUSTRATION 2: For individuals with vision impairments, Town employees can provide oral directions or read written instructions. In many simple transactions, such as paying bills or filing applications, communications provided through such simple methods will be as effective as the communications provided to other individuals in similar transactions. Many transactions with public entities, however, involve more complex or extensive communications than can be provided through such simple methods. Sign language or oral interpreters, for example, may be required when the information being communicated in a transaction with a deaf individual is complex, or is exchanged for a lengthy period of time. Factors to be considered in determining whether an interpreter is required include the context in which the communication is taking place, the number of people involved, and the importance of the communication.

Must public service announcements or other television programming produced by public entities be captioned?

Audio portions of television and videotape programming produced by public entities are subject to the requirement to provide equally effective communication for individuals with hearing impairments. Closed captioning of such programs is sufficient to meet this requirement.

Must tax bills from public entities be available in Braille and/or large print? What about other documents?

Tax bills and other written communications provided by the Town are subject to the requirement for effective communication. Thus, where the Town provides information in written form, it must, when requested, make that information available to individuals with vision impairments in a form that is usable by them.

Primary consideration

When an auxiliary aid or service is required, the Town must provide an opportunity for individuals with disabilities to request the auxiliary aids and services of their choice and must give primary consideration to the choice expressed by the individual. "Primary consideration" means that the Town must honor the choice, unless it can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the service, program, or activity or in undue financial and administrative burdens.

It is important to consult with the individual to determine the most appropriate auxiliary aid or service, because the individual with a disability is most familiar with his or her disability and is in the best position to determine what type of aid or service will be effective. Some individuals who were deaf at birth or who lost their hearing before acquiring language, for example, use sign language as their primary form of communication and may be uncomfortable or not proficient with written English, making use of a notepad an ineffective means of communication.

Qualified interpreter

There are a number of sign language systems in use by individuals who use sign language. (The most common systems of sign language are American Sign Language and signed English.) Individuals who use a particular system may not communicate effectively through an interpreter who uses a different system. When an interpreter is required, therefore, the Town should provide a qualified interpreter, that is, an interpreter who is able to sign to the individual who is deaf what is being said by the hearing person and who can voice to the hearing person what is being signed by the individual who is deaf. This communication must be conveyed effectively, accurately, and impartially, through the use of any necessary specialized vocabulary.

Telephone communications

Public entities that communicate by telephone must provide equally effective communication to individuals with disabilities, including hearing and speech impairments. If telephone relay services, such as those required by title IV of the ADA, are available, these services generally may be used to meet this requirement. Relay services involve a relay operator who uses both a standard telephone and a TDD to type the voice messages to the TDD user and read the TDD messages to the standard telephone user. Where such services are

available, public employees must be instructed to accept and handle relayed calls in the normal course of business.

Emergency telephone service

The Town provides telephone emergency services by which individuals can seek immediate assistance from police, fire, ambulance, and other emergency services. These telephone emergency services--including E"911" services--are clearly an important public service whose reliability can be a matter of life or death. The Town must ensure that these services, including 911 services, are accessible to persons with impaired hearing and speech. State and local agencies that provide emergency telephone services must provide "direct access" to individuals who rely on a TDD or computer modem for telephone communication. Telephone access through a third party or through a relay service does not satisfy the requirement for direct access. (However, if an individual places a call to the emergency service through a relay service, the emergency service should accept the call rather than require the caller to hang up and call the emergency service directly without using the relay.) The Town may, however, operate its own relay service within its emergency system, provided that the services for non-voice calls are as effective as those provided for voice calls.

911 lines.

Where a 911 telephone line is available, a separate seven-digit telephone line must not be substituted as the sole means for non-voice users to access 911 services.

Voice amplification

The Town is encouraged, but not required, to provide voice amplification for the operator's voice. In an emergency, a person who has a hearing loss may be using a telephone that does not have an amplification device. Installation of speech amplification devices on the handsets of operators would be one way to respond to this situation.

3.0 POLICIES AND PROCEDURES

The Town of Framingham, MA, and individual departmental policies and procedures were reviewed for compliance with Section 504 and ADA Title II.

The following recommendations are for revisions and/or additions to existing policies, and additions of new policies to assist the Town.

- a) Sexual Harassment Policy
- b) ADA / 504 Policy
- c) ADA / 504 Grievance Procedures
- d) Reasonable Modification Policy
- e) Eligibility and Safety Requirements Assurance
- f) Surcharges Prohibition Policy
- g) Integrated Services Policy
- h) Significant Assistance Policy
- i) Accessible Transportation Policy
- j) Contracted Service Provider Policy
- k) Town of Framingham, MA
 - I. New Policy: Elevator / Chair Lift Policy
- l) Town of Framingham, MA
 - I. Multiple Hazard Mitigation Plan

**REPLACEMENT POLICY
SEXUAL HARASSMENT AND UNLAWFUL DISCRIMINATION**

This NEW policy replaces:

Town of Framingham Personnel Policy #29
Policy and Procedures for the Elimination of
Sexual Harassment in the Workforce

Policy and Procedure for the Elimination of Sexual Harassment and Discrimination

It is the policy of the Town of Framingham (the “Town”) to maintain a work environment in the Town that is free of sexual harassment and of discrimination based on race, color, age, gender, sexual orientation, religion, ethnic or national origin, ancestry, disability, veteran’s status, or any other status protected by law (a “Protected Class”). Unlawful discrimination and harassment by employees will not be tolerated. All employees are encouraged to report incidences of discrimination or harassment to the Town. Retaliation against an employee who complains of, reports or participates in any investigation into discrimination or harassment is illegal and will not be tolerated by the School Department.

The following provides in-depth information regarding harassment and discrimination, including where to report an act or acts of harassment or discrimination.

Sexual Harassment

Sexual harassment is a form of gender discrimination that is illegal under both federal and Massachusetts state law, including Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment of 1972, Massachusetts General Laws Chapter 151B, § 4 and Massachusetts General Laws Chapter 214, § 1C. Under these laws, unwelcome sexual advances, requests for sexual favors and other physical or verbal conduct of a sexual nature constitute sexual harassment when:

- submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of an individual’s employment or education, or a basis for employment or educational decisions affecting the individual; or
- such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s work or academic performance, or participation in work or school activities and events, by creating an intimidating, hostile, humiliating or sexually offensive environment.

Under these definitions, direct or implied requests by a supervisor to a subordinate, or a staff member to a student, in exchange for actual or promised employment or educational benefit, such as favorable reviews, grades or recommendations, salary increases, promotions, increased benefits or continued employment, constitute sexual harassment.

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The relationship between staff members and students is inherently unequal. Sexual relations between staff members and students are prohibited under any circumstances.

The legal definition of sexual harassment is broad, and in addition to the above situations, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace or educational environment that is hostile, offensive, intimidating or humiliating to male or female employees or students may also constitute sexual harassment.

While it is not possible to list all of those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which may constitute sexual harassment, depending on the totality of the circumstances:

- unwanted, prolonged and apparent staring or leering at a person;
- unwanted whistling or brushing against the body;
- obscene gestures or suggestive or insulting sounds made towards people;
- displaying sexually suggestive objects, pictures, cartoons;
- inquiries into one's sexual experiences or discussion of one's sexual activities;
- indecent exposure; or
- romantic involvement between supervisors and subordinates which is known to others in the workplace and which impacts the workplace in areas such as assignments, advancements or benefits.

Discrimination

Depending upon the circumstances, examples of discrimination could include the above-referenced examples concerning sexual harassment, as well as the following types of conduct:

- comments or innuendo, which are continued or repeated, concerning a person's race, age, gender, religion, national origin, ancestry, disability, sexual orientation, veteran's status, or other legally-protected status;
- an open display of objects or pictures that are offensive to persons of a particular religion, race, national origin, or other legally-protected status;

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- jokes, comments, use of derogatory words or innuendo regarding an individual's race, age, gender, national origin, ancestry, religion, disability, sexual orientation, or other legally-protected status;
- making decisions about an employee's employment based upon his or her religion, race, national origin, ancestry, age, disability, gender, sexual orientation, veteran's or other legally-protected status;
- treating an employee or student differently in terms of conditions of his or her employment or education based upon the employee's or student's race, color, age, gender, sexual orientation, religion, ethnic or national origin, ancestry, disability, veteran's status or any other legally protected status.

EMPLOYEE RESPONSIBILITIES

Each employee of the Town is personally responsible for ensuring that his or her conduct does not sexually harass or unlawfully discriminate against anyone in the work place environment. Each employee is responsible for cooperating in any investigation of alleged discrimination or sexual harassment if asked to do so by the person conducting the investigation.

NO RETALIATION FOR FILING A COMPLAINT OF SEXUAL HARASSMENT OR DISCRIMINATION

Retaliation against any individual for making a complaint of sexual harassment or discrimination or for participating in or assisting in the investigation of such a complaint is illegal and will not be tolerated. Any acts of retaliation will be subject to appropriate disciplinary action, such as (but not limited to) reprimand, change in work assignment, suspension or immediate termination.

PROCEDURES FOR ADDRESSING COMPLAINTS OF SEXUAL HARASSMENT AND UNLAWFUL DISCRIMINATION IN EMPLOYMENT

Individuals who believe that they have been sexually harassed, or that they have been a victim of discrimination on the basis of their race, color, age, gender, sexual orientation, religion, ethnic or national origin, ancestry, disability, veteran's status, or other legally protected status should follow the complaint procedures described below:

If an individual believes that he or she has been sexually harassed or subjected to discrimination based on his or her membership in a Protected Class, and the individual feels comfortable and safe doing so, the individual can confront the harassing person, tell the person what is offensive and request that the person stop. If for any reason such an approach is not practical, acceptable

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or comfortable, or if the offender is the employee's supervisor, or if this process does not work, then the individual should contact his or her supervisor, or one of the investigators identified below. Supervisors are instructed to bring the matter to the attention of one of the investigators.

A complaint may be made orally or in writing to the Human Resources Department. After a complaint has been made, the Town will investigate the complaint in a fair and expeditious manner. The investigation will include a private interview with the person filing the complaint. One or more of the investigators will meet with the person who has been accused of improper conduct. The investigators may also meet with witnesses or others who may assist in the factual investigation.

To file a complaint you must contact:

Monica Visco
Human Resources Director
Human Resources Department
Memorial Building
150 Concord Street
Framingham, MA 01702
(508) 620-4847

The Town of Framingham shall administer this policy and accompanying procedures in the following manner.

- A. The Human Resources Department shall identify at least two investigators, one of whom shall be the Affirmative Action Officer. At all times there will be a female and male investigator.
- B. All such investigators shall be trained in sexual harassment investigatory techniques. Such training shall include interviewing techniques and conflict resolution.

After the investigation is completed, the investigator(s) will inform the person making the complaint and the person accused regarding the outcome of the investigation and whether the matter has been closed. In the event that the investigator finds a violation of this policy has occurred, further action will be taken, including but not limited to disciplinary action, such as but not limited to reprimand, change in work assignment, suspension or termination in accordance with all relevant laws.

If the complainant is dissatisfied with the determination made by the investigators, the complainant may submit an appeal to the Director of Human Resources. The final level of appeal within the district is the Director of Human Resources. The written determination by the Director of Human Resources will

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be provided to the complainant no later than fifteen (15) working days after formal receipt of any appeal.

CONFIDENTIALITY

All actions taken to investigate and resolve complaints through this process shall be conducted with as much privacy and discretion as possible without compromising the thoroughness and fairness of the investigation. To conduct a thorough investigation, investigators may need to discuss the complaint with witnesses and those persons involved in or affected by the complaint, as well as with those persons who are assisting with the investigation or implementing disciplinary actions.

STATE AND FEDERAL AGENCIES

If you believe you have been subjected to sexual harassment or discrimination, you may file a formal complaint with either or both of the government agencies listed below. Using the complaint procedure described in this policy does not prohibit you from filing a complaint with one or both of these agencies. Each of these agencies has a short period for filing a claim – 300 days.

1. Equal Employment Opportunity Commission (“EEOC”)
One Congress Street
Boston, MA 02114
(617) 565-3200
2. Massachusetts Commission Against Discrimination (“MCAD”)

Boston Office One Ashburton Place Boston, MA 02108 (617) 727-3990	Springfield Office: 424 Dwight Street Springfield, MA 01103 (413) 739-2145
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**REPLACEMENT POLICY
AMERICANS WITH DISABILITIES ACT**

New Policy replaces:

Town of Framingham Personnel Policy #1
Policy on Americans with Disabilities

AMERICANS WITH DISABILITIES ACT

In providing its' services, programs and activities, the Town of Framingham, MA (the "Town") will not:

1. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, a benefit, service, or activity.
2. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, any aid, benefit, or service that is not equal to that afforded to others.
3. Otherwise limit a qualified individual with a disability the enjoyment of any right, privilege, advantage, or opportunity enjoyed by other qualified individuals receiving the aid, benefit, or service.

Reasonable Modification and Integrated Services Policy

All programs, services and activities will be provided in the most integrated setting appropriate to the needs of participants with disabilities.

The School Department will make reasonable modifications to programs, services and activities necessary to accommodate the needs of a person with a disability whenever an otherwise qualified person with a disability requests such modification, unless it can be demonstrated that the requested modification would impose an undue burden or fundamental alteration to the program.

Prohibitions or limitations to the eligibility of qualified individuals with disabilities to receive services or participate in programs or activities are not permitted unless such prohibitions or limitations are essential to the operation or purpose of the program or service. Eligibility requirements have been reviewed by the ADA Coordinator and program managers and updated to comply with the requirements of the Americans with Disabilities Act. Whenever programs formulate new eligibility policies or new programs are developed, policies will be reviewed by the ADA Coordinator to ensure compliance.

Safety requirements have also been reviewed to ensure that they are necessary to the safe operation of programs or activities, and that any decision to limit the participation of a person with a disability related to safety concerns will be reviewed on a case by case basis to ensure that the decision is based on facts, not myths or stereotype, and that all appropriate mitigating measures are taken to provide for maximum participation. Staff will be informed of, and trained in any changes in eligibility and /or safety requirements that may arise.

Request for Reasonable Modifications

Requests for reasonable modifications should be made to the Human Resources Department for ADA Title I - Employment requests and the Department Head or the ADA Coordinator for ADA Title II requests, and can be presented verbally or in writing. The ADA Coordinator will respond to requests in a timely fashion—generally not more than two working days. Final decisions regarding requests for reasonable modifications, that in the opinion the ADA Coordinator represents an undue burden or fundamental alteration, will be made by the [] within ten working days. Individuals seeking to contest a denial of a request for reasonable modification will be given the grievance procedure in the format appropriate to their needs.

Surcharges

Surcharges will not be charged to persons with disabilities, their family members, or organizations representing them for the provision of reasonable accommodations, reasonable modifications to policies and procedures, auxiliary aids and services, or any other costs related to the participation of persons with disabilities.

Significant Assistance Policy

Programs that receive significant assistance, either financial or in-kind from the Town, may not discriminate against persons with disabilities. The ADA Coordinator is to inform organizations receiving assistance of their obligations under the ADA. The ADA Coordinator will investigate any situation in which discrimination towards persons with disabilities may have occurred, and take appropriate action either to correct the discriminatory situation or to recommend to the [] termination of assistance.

Transportation Services

It is the policy of the Town that transportation services are accessible to and usable by participants in our programs regardless of disability. Individuals requiring accessible transportation should make their requests in writing or verbally to the ADA Coordinator. Requests should be made at least three days in advance. Effort will be made to respond to requests made on shorter notice. When a request cannot be met, notice will be given as soon as possible and at least one day before the date of the requested trip. The following local transportation providers equipped with accessible vehicles will be contacted when needed: _____.

Contracted Service Provider Policy

If services are provide under contracts, the Town will set forth in the terms of the contract the obligations of the provider agency or agencies to operate in a manner consistent with the requirements of Title II of the ADA, and, furthermore, that the Town will monitor the performance of the contractor in fulfilling this contractual obligation.

**REPLACEMENT POLICY
AMERICANS WITH DISABILITIES ACT
GRIEVANCE PROCEDURES**

New Policy replaces:

Town of Framingham Policy
Town of Framingham Americans with Disabilities
Act(ADA) Grievance Procedures

SECTION 504 / ADA TITLE II GRIEVANCE PROCEDURE

The Town of Framingham, MA (the “Town”) has an internal grievance procedure providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act of 1990 (ADA). Both Section 504 and Title II prohibit discrimination on the basis of disability.

Purpose:

The following Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs and benefits by the Town of Framingham, MA.

Scope:

This is the internal procedure for dealing with complaints rapidly, discreetly and directly, if possible.

How to File a Complaint:

Complaints should be addressed to the ADA Coordinator named. If assistance is needed to fill or pursue the complaint, such request should be made to the ADA Coordinator.

1. A complaint must be filed in writing or on audiotape, contain the name and address of the person filing it, describe the alleged discriminatory action and identify the date the action occurred and the names(s) of the person(s) believed to be responsible, as well as recommendations for the resolution.
2. A complaint must be filed within a reasonable time period, but no later than 60 days, after the complainant becomes aware of the alleged discrimination. The complainant shall informally discuss the complaint, in person, with the ADA Coordinator within 15 days of filing the complaint.
3. Unless the matter can be promptly resolved informally, an investigation will be conducted with respect to all timely filed complaints which raise issues under Section 504/Title II. The investigation shall be conducted by the ADA Coordinator or his/her designee. These rules contemplate informal but thorough and impartial investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A determination as to the conclusion of the investigation and a description of the resolution, if any, shall be issued, in writing, or if needed for effective communications, in an alternate format preferred by the Complainant, such as large print, Braille or audiotape, by the ADA Coordinator and a copy forwarded to the complainant no later than forty-

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- five days after the ADA Coordinator receives the written complaint (unless complainant provides written permission for extension of time for said investigation.)
5. The ADA Coordinator shall maintain the files and records of the Framingham School relating to the complaints filed for three years.
 6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made in writing within twenty days to the ADA Coordinator.
 7. Upon receiving a request for reconsideration of any decision involving identification, evaluation or placement of a student who is believed to need Section 504 accommodations, special education or related services, the School Department will schedule an impartial hearing. The School Department will select an impartial hearing officer, and the complainant shall have an opportunity to review all relevant records, to participate in the hearing and to be represented by counsel.
 8. Any party may appeal the final decision of the impartial hearing officer to a court of competent jurisdiction.
 9. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 or Title II complaint with the U.S. Dept. of Education's Office for Civil Rights or the Massachusetts School Department of Education. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
 10. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to ensure that Framingham School Department complies with Section 504, Title II, and their implementing regulations.

Complaints related to Town employment practices and policies, excluding the School Department practices and policies, should be submitted to:

Monica Visco, Human Resources Director
Human Resources Department, Room B-7
Memorial Building, 150 Concord Street
Framingham, MA 01702
Voice (508)620-4847
TTY (508)620-4851

All other complaints should be submitted to:

Ron J. Rego
ADA Coordinator
Memorial Building – Cable Studio
150 Concord Street
Framingham, MA 01702
(508) 875-8588 T:
(508) 628-1999 F:
(508) 620-4851 TTY:

**NEW POLICIES
AMERICANS WITH DISABILITIES ACT**

New Policies: **Reasonable Modification Policy
Eligibility and safety Requirements Assurance
Surcharges Prohibition Policy
Integrated Services Policy
Significant Assistance Policy
Accessible Transportation Policy
Contracted Service Provider Policy**

Reasonable Modification Policy

The Town will make reasonable modifications to policies and procedures necessary to accommodate the needs of a person with a disability whenever an otherwise qualified person with a disability requests such modification, unless it can be demonstrated that the requested modification would impose an undue burden or fundamental alteration to the program.

Requests for reasonable modifications should be made to program staff or the ADA Coordinator and can be presented verbally or in writing. It is the responsibility of the ADA Coordinator to ensure that requests are responded to appropriately and in a timely fashion—generally not more than two working days.

*Final decisions regarding requests for reasonable modifications, that in the opinion the ADA Coordinator may represent an undue burden or fundamental alteration, will be made by the **Town Administrator or Board of Selectmen** in a timely fashion and no longer than ten working days. Individuals seeking to contest a denial of a request for reasonable modification will be given the grievance procedure in the format appropriate to their needs.*

Eligibility and safety Requirements Assurance

It is the policy of the Town that prohibitions or limitations to the eligibility of qualified individuals with disabilities to receive services or participate in programs are not allowed unless they are essential to the operation of the program or service. Eligibility requirements have been reviewed by the ADA Coordinator and program managers and updated to comply with the requirements of the Americans with Disabilities Act. Whenever programs formulate new eligibility policies or new programs are developed, policies will be reviewed by the ADA Coordinator to ensure compliance.

Safety requirements have also been reviewed to ensure that they are necessary to the safe operation of programs, and that any decision to limit the participation of a person with a disability related to safety concerns will be reviewed on a case by case basis to ensure that the decision is based on facts, not myths or stereotype, and that all appropriate mitigating measures are taken to provide for maximum participation. Staff will be informed of, and trained in any changes in eligibility and /or safety requirements that may arise.

Surcharges Prohibition Policy

Surcharges imposed on people with disabilities for the provision of program modifications, access improvements, or communications aids, are not permissible. A *Surcharges Prohibition Policy* should state that surcharges will not be imposed on people with disabilities under any circumstances.

It is the policy of the Town that surcharges will not be charged to persons with disabilities, their family members, or organizations representing them for the provision of reasonable accommodations, reasonable modifications to policies and procedures, auxiliary aids and services, or any other costs related to the participation of persons with disabilities.

Significant Assistance Policy

Programs that the Town provides with significant assistance through public funds, the use of public facilities, or in-kind contributions may not discriminate against persons with disabilities.

It is the policy of the Town that programs that receive significant assistance, either financial or in-kind from the Town, may not discriminate against persons with disabilities. It is the responsibility of the ADA Coordinator to inform organizations receiving assistance of this policy and to respond to any questions regarding its meaning and application. It is also the ADA Coordinators responsibility to investigate any situation in which discrimination towards persons with disabilities may have occurred, and to take appropriate action either to correct the discriminatory situation or to recommend to the [Town Administrator or Board of Selectmen](#) termination of assistance.

Accessible Transportation Policy

If transportation is provided to participants in any Town programs, it must also be provided to people with disabilities.

An *Accessible Transportation Policy* should contain names and phone numbers for providers of accessible transportation including companies with lift equipped vans, independent living centers, or other organizations that may offer accessible transportation services. If the Town utilizes full size buses, it should include names and phone numbers of bus companies that have lift equipped vehicles. The policy should designate a staff member or members responsible for coordinating the provision of accessible transportation.

It is the policy of the Town that transportation services are accessible to and usable by participants in our programs regardless of disability. Individuals requiring accessible transportation should make their requests in writing or verbally to the ADA Coordinator. Requests should be made at least three days in advance. Effort will be made to respond to requests made on shorter notice. When a request cannot be met, notice will be given as soon as possible and at least one day before the date of the requested trip.

The following local transportation providers equipped with accessible vehicles will be contacted when needed:

(Transportation provider name & telephone number)
(Transportation provider name & telephone number)
(Transportation provider name & telephone number)

Contracted Service Provider Policy

If the Town provides any services under contracts, it is required to ensure that the services are provided in compliance with the requirements of Title II of the ADA just as if the Town were providing the services directly.

It is the policy of the Town/Department that if services are provide under contracts, the Town/Department will set forth in the terms of the contract the obligations of the provider agency or agencies to operate in a manner consistent with the requirements of Title II of the ADA, and, furthermore, that the Town/Department will monitor the performance of the contractor in fulfilling this contractual obligation.

Integrated Services Policy

Services must be provided in the most integrated setting appropriate. It is permissible to provide separate programs, but to do so does not relieve the Town of the obligation to provide opportunities for persons with disabilities to participate in regular, integrated programs.

The *Integrated Services Policy* should state that services to people with disabilities are provided in the most integrated setting appropriate and that people with disabilities are not required to participate in separate programs.

It is the policy of the Town that all services, programs, and activities are provided in the most integrated setting appropriate to the needs of participants with disabilities. Persons with disabilities are not required to participate in separate programs even if separate programs specifically designed to meet their needs are offered.

**NEW FORM
AMERICANS WITH DISABILITIES ACT
REQUEST FOR MODIFICATION OF PROGRAM**

New Form:

Town of Framingham, MA
Request For Modification of Program Form

**Town of Framingham, MA
Request for Modification of Program Form**

Please fax request form to (508) 628-1999
(incomplete forms cannot be processed)

<input type="checkbox"/> Today's Date:	
<input type="checkbox"/> Requester's Name:	
<input type="checkbox"/> Requester's Address:	
<input type="checkbox"/> Requester's Voice#:	<input type="checkbox"/> Requester's TTY#:
<input type="checkbox"/> Requester's FAX#:	
<input type="checkbox"/> Date requiring Modification of Program:	
<input type="checkbox"/> Program Start Time:	<input type="checkbox"/> Program End Time: (for interpreter services)
<input type="checkbox"/> Program Location/Address of Event, Program or Services:	
<input type="checkbox"/> Type of Request:	

<input type="checkbox"/>	Request to relocate Town program or activity from inaccessible location, for example, building, room, athletic field, stadium, et al, to accessible location.
<input type="checkbox"/>	Requested accessible location for program : (please list name and address)
<input type="checkbox"/>	Modification of Program (please explain):
<input type="checkbox"/>	OTHER: (please explain):

**NEW FORM
AMERICANS WITH DISABILITIES ACT
ELEVATOR / CHAIR LIFT POLICY**

New Form:

Town of Framingham, MA
ELEVATOR / CHAIR LIFT POLICY

Vertical Transportation Equipment

With the installation of elevators and/or accessible chair lifts in new and existing facilities in the Town a facility policy to address interruptions in elevator and chair lift service is recommended. The unique conditions of the Memorial Building, providing a single elevator as the ONLY accessible means to access the facility and Town programs and services provided within, present a challenging compliance issue should elevator service to the building be interrupted for servicing, power outage, Etc. In instances of even interruption of service for ongoing servicing of the equipment, the Town must put in place a procedure to maintain access to programs and services within the facility that may include: a. temporarily using the Police Station offices or meeting rooms (given its close proximity); utilizing the Callahan Center, or utilizing a local school facility to ensure that access is maintained to those programs and services offered in the Memorial Building.

Elevator / Chair Lift Policy (NEW POLICY)

It is the policy of the Town of Framingham (the "Town") to maintain vertical transportation equipment in good working order at each Town owned and operated facility. Examples of vertical transportation equipment include but are not limited to the following: hydraulic electric elevators, electric accessible chair lifts, and rail style elevators and lifts.

The Town understands that temporary interruptions in service are expected due to malfunctioning equipment, ongoing maintenance, and repairs when needed.

When interruptions in service are brought to the attention of the designated facilities personnel or ADA Coordinator for the Town, the following steps shall be taken to provide uninterrupted access to programs and services at the facility:

- 1) Informational signage indicating that the vertical transportation equipment service is temporarily interrupted due to equipment breakdown, maintenance, or servicing shall be posted at each equipment location affected. Each facility shall provide equivalent signage in Braille, mounted at a location and height per the ADAAG.
- 2) Informational signage directing users to an alternate accessible route within the facility shall be posted at each equipment location affected. Each facility shall provide equivalent signage in Braille, mounted at a location and height per the ADAAG.

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- 3) In the event that a program space/room is located on a facility floor level not able to be served due to a temporary interruption in service, appropriate steps will be taken by school administration to temporarily relocate such program to an accessible level within the facility and signage informing users of the program location change and directing them to the appropriate location shall be posted as required. Each facility shall provide equivalent signage in Braille, mounted at a location and height per the ADAAG.

When interruptions in service are brought to the designated facilities personnel or ADA Coordinator for the Town, the following steps will be taken to remedy the interruption in service:

- 1) Facilities personnel will contact appropriate vendors informing them of the interruption in service and make a request to service and remedy the interruption in service.
- 2) As required, damaged or un-repairable equipment will be replaced within 10 days of such assessment that new equipment is warranted.
- 3) As required for ongoing maintenance, all vertical transportation equipment shall be inspected and serviced as required under State code, and as recommended by the equipment manufacturer, whichever is more preventative.

The Town has an internal grievance procedure providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act of 1990 (ADA).

Both Section 504 and Title II prohibit discrimination on the basis of disability.

If you believe you have been aggrieved please contact:

Mr. Ron J. Rego, Director of Media Services and ADA Coordinator
Town of Framingham
150 Concord Street,
Memorial Building – Cable Studio
Framingham, MA 01702
(508) 875-8588 Voice / (508) 628-1999 Facsimile / (508) 620-4851 TTY

**EMERGENCY PREPAREDNESS / EMERGENCY MITIGATION
TOWN OF FRAMINGHAM**

Multiple Hazard Mitigation Plan (MHMP)

The Town of Framingham, MA has in place a Multiple Hazard Mitigation Plan, dated June 2005. The MHMP is a compliment to the Comprehensive Emergency Management Plan required by the Commonwealth of Massachusetts.

As stated in the MHMP, “The Plan will meet the requirements of the Federal DMA 2000, which calls for communities to have an all hazards mitigation plan in place by November 1, 2004 in order to qualify for the future pre-disaster and post-disaster funding under the Federal Emergency Management Agency’s (FEMA) Pre-Disaster Mitigation Program and Hazard Mitigation Grant Program (HMGP). In addition this Plan will assist the Town in applying for other hazard mitigation project funding, such as FEMA’s pre-disaster mitigation program, the Flood Mitigation Assistance (FMA) program, as well as other federal, state and private funding sources.

Hazard mitigation as defined in the “Natural Hazards Mitigation Planning: A Community Guide” as “any sustained action taken to reduce or eliminate long-term risk to life and property from natural hazards (flooding, storms, high winds, hurricanes, wildfires, earthquakes, etc.). Mitigation assists in helping to minimize damages that occur as the result of a natural disaster to structures, infrastructure, and other resources.”

Based on the review of the Emergency Mitigation Plan, we submit the following recommendations for modifications to policies and procedures:

- 1) Though a comprehensive document, the MHMP does not adequately address the specific needs of persons with disabilities in the event of an emergency situation or evacuation condition. We recommend the Town refer to the City of Boston, Ready Boston, an emergency preparedness and evacuation guide for city residents, (<http://www.cityofboston.gov/emergency/pdfs/ReadyBoston.pdf>) as a resource in developing a Town guide that serves all residents as well as the disability community in the preparation of an Emergency Preparedness Plan for the Town of Framingham. The guide incorporates a visual pictogram language and is translated into five languages.
- 2) We recommend that Town representatives from Town Administration, Police, Fire, and Department of Public Works work with representatives of the disability community and Metrowest Center for Independent Living and visit the FEMA website (<http://www.fema.gov/rrr/assistf.shtm>) to work towards an Emergency Preparedness Plan for providing assistance to

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persons with disabilities. The following is an excerpt from the FEMA website:

Assisting People With Disabilities In A Disaster

People with disabilities who are self-sufficient under normal circumstances may have to rely on the help of others in a disaster.

→ Provide Assistance

→ Do You Know Someone With A Disability?

- People with disabilities often need more time than others to make necessary preparations in an emergency.
- The needs of older people often are similar to those of persons with disabilities.
- Because disaster warnings are often given by audible means such as sirens and radio announcements, people who are deaf or hard of hearing may not receive early disaster warnings and emergency instructions. Be their source of emergency information as it comes over the radio or television.
- Some people who are blind or visually-impaired, especially older people, may be extremely reluctant to leave familiar surroundings when the request for evacuation comes from a stranger.
- A *guide dog* could become confused or disoriented in a disaster. People who are blind or partially sighted may have to depend on others to lead them, as well as their dog, to safety during a disaster.
- In most states, guide dogs will be allowed to stay in emergency shelters with owners. Check with your local emergency management officials for more information.
- People with impaired mobility are often concerned about being dropped when being lifted or carried. Find out the proper way to transfer or move someone in a wheelchair and what exit routes from buildings are best.
- Some people with mental retardation may be unable to understand the emergency and could become disoriented or confused about the proper way to react.
- Many respiratory illnesses can be aggravated by stress. In an emergency, oxygen and respiratory equipment may not be readily available.
- People with epilepsy, Parkinson's disease and other conditions often have very individualized medication regime's that cannot be interrupted without serious consequences. Some may be unable to communicate this information in an emergency.

→ Be ready to offer assistance if disaster strikes:
If a disaster warning is issued, check with neighbors or coworkers who are disabled.
Offer assistance whenever possible.

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- Prepare an emergency plan.
Work with neighbors who are disabled to prepare an emergency response plan. Identify how you will contact each other and what action will be taken.
 - Evacuation
 - Be able to assist if an evacuation order is issued.
Provide physical assistance in leaving the home/office and transferring to a vehicle.
 - Provide transportation to a shelter. This may require a specialized vehicle designed to carry a wheelchair or other mobility equipment.
 - Self-Help Networks
Self-help networks are arrangements of people who agree to assist an individual with a disability in an emergency. Discuss with the relative, friend or co-worker who has a disability what assistance he or she may need. Urge the person to keep a disaster supplies kit and suggest that you keep an extra copy of the list of special items such as medicines or special equipment that the person has prepared. Talk with the person about how to inform him or her of an oncoming disaster and see about getting a key to the person's house so you can provide assistance without delay.
3. We also recommend representatives of the Town reference the following ADA Guide for Local Governments for Emergency Preparedness:

U.S. Department of Justice
Civil Rights Division
Disability Rights Section



**An ADA Guide for Local
Governments
Making Community Emergency
Preparedness
and Response Programs Accessible to
People with Disabilities**

One of the most important roles of local government is to protect their citizenry from harm, including helping people prepare for and respond to emergencies. Making local government emergency preparedness and response programs accessible to people with disabilities is a critical part of this responsibility. Making these programs accessible is also required by the Americans with Disabilities Act of 1990 (ADA).

Planning

If you are responsible for your community's emergency planning or response activities, you should involve people with disabilities in identifying needs and evaluating effective emergency management practices. Issues that have the greatest impact on people with disabilities include

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notification, evacuation, emergency transportation, sheltering, access to medical care and medications, access to their mobility devices or service animals while in transit or at shelters, and access to information.

In planning for emergency services, you should consider the needs of people who use mobility aids such as wheelchairs, scooters, walkers, canes or crutches, or people who have limited stamina. Plans also need to include people who use oxygen or respirators, people who are blind or who have low vision, people who are deaf or hard of hearing, people who have a cognitive disability, people with mental illness, and those with other types of disabilities.

Action Step:

Solicit and incorporate input from people with different types of disabilities (e.g. mobility, vision, hearing, cognitive and other disabilities) regarding all phases of your emergency management plan (preparation, notification, response, and clean up).

Notification

Many traditional emergency notification methods are not accessible to or usable by people with disabilities. People who are deaf or hard of hearing cannot hear radio, television, sirens, or other audible alerts. Those who are blind or who have low vision may not be aware of visual cues, such as flashing lights. Warning methods should be developed to ensure that all citizens will have the information necessary to make sound decisions and take appropriate, responsible action. Often, using a combination of methods will be more effective than relying on one method alone. For instance, combining visual and audible alerts will reach a greater audience than either method would by itself.

Action Step:

Provide ways to inform people who are deaf or hard of hearing of an impending disaster if you use emergency warning systems such as sirens or other audible alerts. When the electric power supply is affected, it may be necessary to use several forms of notification. These might include the use of telephone calls, auto-dialed TTY (teletypewriter) messages, text messaging, e-mails, and even direct door-to-door contact with pre-registered individuals. Also, you should consider using open-captioning on local TV stations in addition to incorporating other innovative uses of technology into such procedures, as well as lower-tech options such as dispatching qualified sign language interpreters to assist in broadcasting emergency information provided to the media.

Evacuation

Individuals with disabilities will face a variety of challenges in evacuating, depending on the nature of the emergency. People with a mobility disability may need assistance leaving a building without a working elevator. Individuals who are blind or who have limited vision may no longer be able to independently use traditional orientation and navigation methods. An individual who is deaf may be trapped somewhere unable to communicate with anyone because the only communication device relies on voice. Procedures should be in place to ensure that people with disabilities can evacuate the physical area in a variety of conditions and with or without assistance.

Action Step:

Adopt policies to ensure that your community evacuation plans enable people with disabilities, including those who have mobility impairments, vision impairments, hearing impairments, cognitive disabilities, mental illness, or other disabilities, to safely self-evacuate or to be evacuated by others. Some communities are instituting voluntary, confidential registries of persons with disabilities who may need individualized evacuation assistance or notification. If you adopt or maintain such a registry, have procedures in place to ensure its voluntariness, guarantee confidentiality controls, and develop a process to update the registry. Also consider how best to publicize its availability. Whether or not a registry is used, your plan should address accessible transportation needs for people who use wheelchairs, scooters, or other mobility aids as well as people who are blind or who have low vision.

Both public and private transportation may be disrupted due to overcrowding, because of blocked streets and sidewalks, or because the system is not functioning at all. The movement of people during an evacuation is critical, but many people with disabilities cannot use traditional, inaccessible transportation.

Action Step:

Identify accessible modes of transportation that may be available to help evacuate people with disabilities during an emergency. For instance, some communities have used lift-equipped school or transit buses to evacuate people who use wheelchairs during floods.

Sheltering

When disasters occur, people are often provided safe refuge in temporary shelters. Some may be located in schools, office buildings, tents, or other areas. Historically, great attention has been paid to ensuring that those shelters are well stocked with basic necessities such as food, water, and blankets. But many of these shelters have not been accessible to people with disabilities. Individuals using a wheelchair or scooter have often been able somehow to get to the shelter, only to find no accessible entrance, accessible toilet, or accessible shelter area.

Action Step:

Survey your community's shelters for barriers to access for persons with disabilities. For instance, if you are considering incorporating a particular high school gymnasium into your sheltering plan, early in the process you should examine its parking, the path to the gymnasium, and the toilets serving the gymnasium to make sure they are accessible to people with disabilities. If you find barriers to access, work with the facility's owner to try to get the barriers removed. If you are unable to do so, consider another nearby facility for your community sheltering needs.

Until all of your emergency shelters have accessible parking, exterior routes, entrances, interior routes to the shelter area,

and toilet rooms serving the shelter area, identify and widely publicize to the public, including persons with disabilities and the organizations that serve them, the locations of the most accessible emergency shelters.

Shelter staff and volunteers are often trained in first aid or other areas critical to the delivery of emergency services, but many have little, if any, familiarity with the needs of people with disabilities. In some instances, people with disabilities have been turned away from shelters because of volunteers' lack of confidence regarding the shelter's ability to meet their needs. Generally, people with disabilities may not be segregated or told to go to "special" shelters designated for their use. They should ordinarily be allowed to attend the same shelters as their neighbors and coworkers.

Action Step:

Invite representatives of group homes and other people with disabilities to meet with you as part of your routine shelter planning. Discuss with them which shelters they would be more likely to use in the event of an emergency and what, if any, disability-related concerns they may have while sheltering. Develop site-specific instructions for your volunteers and staff to address these concerns.

Many shelters have a "no pets" policy and some mistakenly apply this policy to exclude service animals such as guide dogs for people who are blind, hearing dogs for people who are deaf, or dogs that pull wheelchairs or retrieve dropped objects. When people with disabilities who use service animals are told that their animals cannot enter the shelter, they are forced to choose between safety and abandoning a highly trained animal that accompanies them everywhere and allows them to function independently.

Action Step:

Adopt procedures to ensure that people with disabilities who use service animals are not separated from their service animals when sheltering during an emergency, even if pets are normally prohibited in shelters. While you cannot unnecessarily segregate persons who use service animals from others, you may consider the potential presence of persons who, for safety or health Reasons, should not be with certain types of animals.

Individuals whose disabilities require medications, such as certain types of insulin that require constant refrigeration, may find that many shelters do not provide refrigerators or ice-packed coolers. Individuals who use life support systems and other devices rely on electricity to function and stay alive and, in many cases, may not have access to a generator or other source of electricity within a shelter.

Action Step:

Ensure that a reasonable number of emergency shelters have back-up generators and a way to keep medications refrigerated (such as a refrigerator or a cooler with ice). These shelters should be made available on a priority basis to people whose disabilities require access to electricity and refrigeration, for

example, for using life-sustaining medical devices, providing power to motorized wheelchairs, and preserving certain medications, such as insulin, that require refrigeration. The public should be routinely notified about the location of these shelters. In addition, if you choose to maintain a confidential registry of individuals needing transportation assistance, this registry could also record those who would be in need of particular medications. This will facilitate your planning priorities.

People who are deaf or hard of hearing may not have access to audible information routinely made available to people in the temporary shelters. Those who are blind or who have low vision will not be able to use printed notices, advisories, or other written information.

Action Step:

Adopt procedures to provide accessible communication for people who are deaf or hard of hearing and for people with severe speech disabilities. Train staff on the basic procedures for providing accessible communication, including exchanging notes or posting written announcements to go with spoken announcements. Train staff to read printed information, upon request, to persons who are blind or who have low vision.

Returning Home

The needs of individuals with disabilities should be considered, too, when they leave a shelter or are otherwise allowed to return to their home. If a ramp has been destroyed, an individual with a mobility impairment will be unable to get into and out of the house. In case temporary housing is needed past the stay at the shelter, your emergency response plan could identify available physically accessible short-term housing, as well as housing with appropriate communication devices, such as TTY's, to ensure individuals with communication disabilities can communicate with family, friends, and medical professionals.

Action Step:

Identify temporary accessible housing (such as accessible hotel rooms within the community or in nearby communities) that could be used if people with disabilities cannot immediately return home after a disaster if, for instance, necessary accessible features such as ramps or electrical systems have been damaged.

If you contract with another entity, such as the American Red Cross or another local government, to provide your emergency preparedness plans and emergency response services, you should ensure that the other entity follows these steps on your behalf.

4.0 EFFECTIVE COMMUNICATIONS

4.1 REQUIREMENTS

28 CFR § 35.160 requires the Town to take such steps as may be necessary to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.

28 CFR § 35.160 (b)(1) requires the Town to furnish appropriate auxiliary aids and services when necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, the Town's services, programs, or activities when viewed in their entirety. The Town must provide an opportunity for individuals with disabilities to request the auxiliary aids and services of their choice. Under 28 CFR § 35.160(b)(2) this expressed choice shall be given primary consideration by the Town. The Town shall honor the requester's choice unless it can demonstrate that another effective means of communication exists, that another effective means of communication is available when the requester's first expressed choice is not, or that use of the requester's choice would not be required under 28 CFR § 35.164.

Preference to the request of the individual with a disability is desirable because of the range of disabilities, the variety of auxiliary aids and services available, and effectiveness of certain auxiliary aids and services to others in different circumstances requiring effective communication.

4.2 Telecommunication Devices for the Deaf (TDD's)

28 CFR § 35.161 requires that, where a public entity communicates with applicants and beneficiaries by telephone, TDD's or equally effective telecommunication systems be used to communicate with individuals with impaired speech or hearing.

In reviewing the Police, Fire, DPW, COA, and Department of Parks and Recreation facilities it was determined that TDD (TTY's also known as text telephones) are present only through the E911 emergency telephone located in the Police / E911 dispatch center that handles incoming emergency calls for police, fire, and ambulance emergencies. The E911 service is required under ADA Title II, 28 CFR § 35.162, to be TTY capable (refer to 4.3 Telephone Emergency Services).

In non-emergency situations where a town representative needs to contact a person who does not have a TDD/TTY device, or a member of the general public needs to contact a Town Department or agency, ADA Title IV allows for communication through a relay service. The relay services involve a relay operator using both a standard telephone and a TDD to type the voice messages to the TDD user and read the TDD messages to the standard telephone user.

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However, the Town's requirements for providing effective communications cannot always be achieved through a relay service. Departments receiving long and complex telephone calls with detailed information, for example, non-emergency calls to the police department and the fire inspector, calls to the DPW and COA, would achieve effective communications under ADA Title II by providing a TTY.

In the event that Town staff and administration require relay services, these services are available by contacting:

Massachusetts Relay Service
custserv@massrelay.org
<http://www.massrelay.org>;
Relay Numbers:
711 Cellular; 1.800.439.2370 TTY / ASCII; 1.800.439.0183 Voice.

Recommendations:

For the Town to achieve effective communications between Town departments and the general public in accordance with ADA Title II we recommend installing TDD / TTY devices at the following departmental reception and/or administrative desks, training staff as required on their use, and providing appropriate TTY numbers in all publications and on the Town website where the voice lines are published:

- a. Town Manager / Board of Selectmen's Office
- b. Public Works Engineering Division
- c. Public Works
- d. Assessor's Office
- e. Town Clerk's Office
- f. Tax Collector's Office
- g. Planning Department
- h. Building Inspector's Office

4.3 28 CFR § 35.162 Telephone Emergency Services

The Town of Framingham, MA provides telephone emergency services by which individuals can seek immediate assistance from police, fire, ambulance, and other emergency services. This telephone emergency service -- including "911" services -- are an important public service whose reliability can be a matter of life or death. The Framingham 911 service consoles are TTY capable.

4.4 Information and Signage

28 CFR § 35.163 (b) requires a public entity to provide signage at all inaccessible entrances of each facility that directs users to an accessible entrance or to a location with information about accessible facilities. Please refer to Section 5.5 Facility Access Summary Forms.

4.5 CLOSED-CAPTIONING FOR THE HEARING IMPAIRED

28 CFR § 35.160(a) of the Department of Justice's regulation implementing title II of the Americans with Disabilities Act of 1990 (ADA) requires that a public entity take appropriate steps to ensure that communications with members of the public with disabilities are as effective as communications with others. 28 CFR § 35.160(b) requires the furnishing of appropriate auxiliary aids and services in order to afford individuals with disabilities equal access to communications and requires that primary consideration shall be given to the requests of individuals with disabilities in determining what type of auxiliary aid or service is necessary. Auxiliary aids and services, as defined in 28 CFR § 35.104, may include open or closed captioning of video presentation.

Audio portions of television and videotape programming produced by public entities are subject to the requirement to provide effective communication for individuals with hearing impairments. Closed captioning of such programs is sufficient to meet this requirement, however, the obligation to provide effective communication does NOT require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of its services, programs, or activities, or in undue financial and administrative burdens. The Government Access Station, a not-for-profit station, currently operates within a budget of approx. \$150,000.00 / year.

Under the FCC, there are two categories of exemptions from the closed captioning rules: self-implementing exemptions and exemptions available when compliance with closed captioning rules would pose an undue burden as previously mentioned. For self-implementing exemptions, programmers do not need to petition the FCC. Examples include public service announcements that are not paid for with federal dollars, programming on new networks, and programming that is primarily textual in nature. There is a very narrow exemption for locally-produced and distributed non-news programming with no repeat value.

Potential exemptions that may be applicable to the Government Access Television station are: ¹

(8) Locally produced and distributed non-news programming with no repeat value. Programming that is locally produced by the video programming distributor, has no repeat value, is of local public interest, is not news programming, and for which the "electronic news room" technique of captioning is unavailable.

(10) Primarily non-vocal musical programming. Programming that consists primarily of non-vocal music.

(11) Captioning expense in excess of 2% of gross revenues. No video programming provider shall be required to expend any money to caption any video programming if such expenditure would exceed 2% of the gross revenues received from that channel during the previous calendar year.

¹ http://www.fcc.gov/cgb/dro/captioning_regs.html

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(12) Channels producing revenues of under \$3,000,000. No video programming provider shall be required to expend any money to caption any channel of video programming producing annual gross revenues of less than \$3,000,000 during the previous calendar year other than the obligation to pass through video programming already captioned when received pursuant to paragraph (c) of this section.

(13) Locally produced educational programming. Instructional programming that is locally produced by public television stations for use in grades K-12 and post secondary schools.

4.6 EFFECTIVE COMMUNICATIONS POLICY AND REQUEST PROCEDURES

28 CFR § 35.163(a) requires the Town to provide information to individuals with disabilities concerning accessible services, activities, and facilities.

In reviewing the Town's procedures and policies for requesting auxiliary aids and services we concluded that there were no formalized policies and procedures currently in place to accommodate such requests for visitors, staff, and members of the general public. In section 4.7 New Policy and Request Form, we provide recommendations for a new policy and request forms for both interpreter services and alternative print format.

The following are primary sources for obtaining interpreter services:

MCDHH (Massachusetts Commission for the Deaf and Hard of Hearing)

Interpreter / CART Referral Service

150 Mt. Vernon Street, Fifth Floor

Boston, MA 02125

617.740.1600 V; 617.740.1700 TTY; 617.740.1880 F;

The following are primary sources for obtaining alternative formats in Braille print:

MWCIL (Metrowest Center for Independent Living)

Braille Print Services

280 Irving Street

Framingham, MA 01702

508.875.7853 V / TTY; 508.875.8359 F; **888-965-8965 x32 or 617-266-6160 x32**

National Braille Press

Braille Production Services

88 St. Stephen Street

Boston, MA 02115

888.965.8965 x32 V ; 617.266.6160 x32 V; (617) 437-0456 F

4.7 NEW POLICY AND REQUEST FORM

Policy for Requesting Auxiliary Aids and Services (NEW POLICY)

It is the policy of the Town of Framingham, MA (the "Town") to provide auxiliary aids and services in accordance with the requirements of ADA Title II, 28 CFR § 35.160 which "requires the public entity to take such steps as may be necessary to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others." In accordance with 28 CFR § 35.160 (b)(1) the Town will furnish appropriate auxiliary aids and services upon request, when necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, the public entity's service, program, or activity. Persons with communications disabilities will be given the opportunity to request the aid or service that they prefer and the requested aid or service will be given primary consideration. The preferred means of communication will be provided unless doing so would impose an undue burden or an effective alternative means of communication is available.

Requests for auxiliary aids or services should be made in writing to the office of the ADA Coordinator using the Auxiliary Aids and Services Request Form. Unless otherwise specified, the Town urges that requests be made at least fifteen business days in advance of the occasion on which the communications support will be needed. Reasonable effort will be made to respond on shorter notice. Please note that all requests for interpreter services made to the Town of Framingham, MA are then requested through the Massachusetts Commission for the Deaf and Hard of Hearing. While the Town will make every effort to fulfill requests for interpretive services, long lead times and frequent unavailability of certified interpreters cannot guarantee that interpretive services can be provided. Please make your request for interpretive services as far in advance as possible and please select your 2nd and 3rd preferences for auxiliary aids and services or "other" to assist the Town in fulfilling your request. The person requesting the service will be notified as soon as possible if the Town is unable to meet their request. In some circumstances, an appropriate alternative will be offered. It will be the responsibility of the ADA Coordinator to train staff and oversee implementation of effective communication procedures. The Town Manager will be responsible for making final decisions related to undue burden or fundamental alteration.

All requests for auxiliary aids and services should be submitted to the office of the ADA Coordinator at:

Mr. Ron J. Rego, Director of Media Services and ADA Coordinator
Town of Framingham
150 Concord Street,
Memorial Building – Cable Studio
Framingham, MA 01702
(508) 875-8588 Voice / (508) 628-1999 Facsimile / (508) 620-4851 TTY

Note: It is recommended that this policy and Request Forms be available in alternative print formats (Braille / Large Print, available on-line, and translated into Spanish and Portuguese).

**Town of Framingham, MA
Auxiliary Aids and Services Request Form**

Please fax request form to (508) 628-1999
(incomplete forms cannot be processed)

☐ **Today's Date:**

☐ **Requester's Name:**

☐ **Requester's Address:**

☐ **Requester's Voice#:**

☐ **Requester's TTY#:**

☐ **Requester's FAX#:**

☐ **Date requiring Auxiliary Aid or
Interpreter Services:**

☐ **Start Time:**
(for interpreter services)

☐ **End Time:**
(for interpreter services)

☐ **Location/Address of Event,
Program or Services:**
(for interpreter services)

☐ **Type of Request:**
(for interpreter services)

(please select 2 suitable interpreter services,
indicating your first preference with a "1" and your
second preference with a "2". If you prefer a service
not listed, please indicate in the space labeled
"other" and describe service requested)

☐ **Interpreter Services CART Reporting**

☐ **ALD (FM Receiver)**

☐ **Interpreter Services (ASL)**

☐ **Interpreter Services (Signed English)**

☐ **Interpreter Services**
(Signed Spanish/ Signed Portuguese)

☐ **OTHER: (please explain)**

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**Auxiliary Aids and Services (Alternative Formats)
Request Form**

Please fax request form to (508) 628-1999
(incomplete forms cannot be processed)

<input type="checkbox"/> Today's Date:	
<input type="checkbox"/> Requester's Name:	
<input type="checkbox"/> Requester's Address:	
<input type="checkbox"/> Requester's Voice#:	<input type="checkbox"/> Requester's TTY#:
<input type="checkbox"/> Requester's FAX#:	
<input type="checkbox"/> Date requiring Alternative Format Documents:	
<input type="checkbox"/> Document(s) being Requested in Alternative Format:	
<input type="checkbox"/> Type of Request: (for alternative format documents)	(please select the alternative format requested)

- ☐ **Braille**
- ☐ **Large Print**
- ☐ **Audio Tape / CD**
- ☐ **Electronic Document in MS Word**
(for use with screen readers)
- ☐ **OTHER: (please explain)**

5.0 PROGRAM AND FACILITY ACCESSIBILITY

The Facility Compliance Plan forms the backbone of the transition plan. The primary purpose of the transition plan is to document facility changes necessary to provide program access. Part 5 Program and Facility Accessibility of this transition plan establishes the facility reconstruction work necessary to achieve District-wide program access, as described in the self-evaluation. Part 5 details the process and rationale of designating each facility into one of five categories, which denote the level of accessibility to be obtained.

5.1 CATEGORIZATION OF FACILITIES

The Memorial Building has been assigned **Category: 1**. Categories determine the level of accessibility to be present at the facility within a particular timeframe.

Category 1 – MEMORIAL BUILDING - was constructed in 1926, prior to the effective date of the ADA, January 26, 1992 and as such is NOT required to comply with the standards for new construction. However, the existing facility, located within a recognized National Historic District serves as the Town of Framingham, MA Town Hall facility providing programs and services from over 17 Town departments including, public hearings, and Board of Selectmen's meetings. Program accessibility is required to ALL programs, services, and activities operated out of the facility. It is intended that all identified barriers that are not in compliance with applicable standards and guidelines be removed at this site. Work required for barrier removal at this facility will be on a phased schedule and defined by the Priority Level designated in this Section, without any cost or budget restrictions. The work will include items identified on the Facility Access Summary for the Category 1 facility as identified under all four Barrier Removal Priorities (refer to legend Section 1.6).

Category 1 Facilities:

MEMORIAL BUILDING: (Name - Address)

Memorial Building, 150 Concord Street, Framingham, MA

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The overall completion dates for all work required at the **Category 1** facility are according to the following schedule:

FACILITY	PLANNED COMPLETION PERIOD	OPINION OF PROBABLE COST
MEMORIAL BUILDING PRIORITY 1 BARRIERS	A <i>(August – December 2006)</i>	\$55,750.00
MEMORIAL BUILDING PRIORITY 2 BARRIERS	B <i>(January – December 2007)</i>	\$83,600.00
MEMORIAL BUILDING PRIORITY 3 BARRIERS	C <i>(January – December 2008)</i>	\$174,075.00
MEMORIAL BUILDING PRIORITY 4 BARRIERS	D <i>(January – December 2009)</i>	\$4,800.00
	CATEGORY 1 FACILITY	= \$318,225.00

5.2 CRITERIA FOR CATEGORIZATION

Facilities were assigned to categories based on a number of criteria. The goal is to provide a schedule for facility access to support the programs being offered by the Town at a reasonable number of locations when program accessibility is viewed in its entirety for the Town.

Criteria, in the order of importance:

- 1) **Nature of unique programs or services:** Facilities with programs and services that are exclusive to one site, or only a few sites.
- 2) **Facilities already in compliance with program accessibility:** Facilities constructed as new construction or major renovations after the effective date of the ADA, January 26, 1992.
- 3) **Ability to relocate programs from one facility to another accessible facility:** With the Town offering programs in some cases at more than one location, consideration was reviewed as it related to compliance with special programs and services, Section 504, ADA Title II when viewed in terms of their offerings and distribution when viewed in their entirety.
- 4) **Polling Locations:** Identifying facilities that are also designated polling locations for Town, State, and Federal elections.
- 5) **Community / Staff input:** Input from the community and members of the disability community as an important part of the transition plan process. Meetings were held with representatives of the Metrowest Center for Independent Living on August 11, 2005, and a public forum was held October 19, 2005 to gather community input regarding current accessibility concerns and priorities Town wide. Interviews were also conducted with department representatives to identify how programs and services are provided within each Department.
- 6) **Current State of Accessibility:** The current condition of each facility in terms of barriers already removed, or planned to be removed as identified by Town administration.

5.3 USING THE “FACILITY ACCESS SUMMARY” FORMS

For each of the (13) Town buildings and facilities reviewed under this portion of the Transition Plan a Facility Access Summary has been compiled and presents clearly all recommendations for barrier removal work to be undertaken by the Town, and the priority for barrier removal.

Survey Categories:

There are five specific Survey Categories, Access to Facility, Access to Programs and Services, Access to Public Restrooms, Access to Amenities, and Access to Signage.

ADAAG and 521 CMR References:

Why do I see references to both ADAAG and 521 CMR MAAB on the Facility Access Summary Sheets and detailed facility surveys?

Although this Transition Plan is focused on compliance with ADA Title II, the Town also has obligations under State accessibility and building codes. Therefore we have provided the corresponding 521 CMR MAAB section for use by the Town and as a quick reference between the two requirements.

DATA INTERPRETATION

The facility data used in this transition plan is intended to provide a baseline for planning purposes. The required work generated from the data should be used to determine scope of work and budgets when planning barrier removal projects. It is understood that each project to remove access barriers, as well as general modernization projects, will review current conditions at the site and in specific areas of work to verify the conditions and work necessary. Recommended facility modifications form the basis for cost estimates. These modifications generally represent the best standard design solution to eliminate the identified barrier. In some cases, the solution or cost may be based on specific knowledge of the site conditions, in other cases it is based on a standard approach and/or average cost for that type of work.

5.4 PRIORITIZATION OF FACILITY ELEMENTS – BARRIER REMOVAL LEGEND / PLANNED COMPLETION DATES

The following tables present the Barrier Removal Priority Legend and Planned Completion Legend. For detailed explanation on the development of these legends please refer to Self-Evaluation Section III Transition Plan Development.

BARRIER REMOVAL PRIORITY LEGEND	
PRIORITY	DESCRIPTION
1	SAFETY HAZARD Highest priority - Access most urgently needed, this is typically related to a safety, life safety issue or an identified individual need.
2	PRIMARY BARRIER High priority - barrier severely impedes or completely blocks access to a program, service, and/or activity.
3	MODERATE BARRIER Moderate priority - a barrier exists with some access but complete access does not exist for all programs, activities, and/or services.
4	LOW PRIORITY Low priority - brings minor deviations up to accessibility standards or code.

PLANNED COMPLETION DATES

Planned completion dates were established with the following classifications and recommendations are distributed over a four-year implementation period:

PLANNED COMPLETION LEGEND	
Classification	Projected Completion Period
A	<i>August – December 2006</i>
B	<i>January – December 2007</i>
C	<i>January – December 2008</i>
D	<i>January – December 2009</i>
E	<i>January – December 2010</i>
F	<i>January – December 2011</i>

5.5 FACILITY ACCESS SUMMARY form

FACILITY ACCESS SUMMARY

MEMORIAL HALL – TOWN HALL FACILITY CATEGORY 1

FACILITY NAME: FRAMINGHAM TOWN HALL – MEMORIAL BUILDING

FACILITY ADDRESS: 150 CONCORD STREET, FRAMINGHAM, MA

FACILITY ADA CONTACT: JIM EGAN 508-620-4815
RON REGO 508-875-8588

FACILITY CONTACT: JIM EGAN 508-620-4815

SURVEY CATEGORY :		DESCRIPTION OF BARRIERS:	ADAAG / 521 CMR REF.	BARRIER REMOVAL PRIORITY 1. SAFETY HAZARD 2. PRIMARY BARRIER 3. MODERATE BARRIER 4. LOW PRIORITY	OPINION OF PROBABLE COST	REMARKS:
ACCESS TO FACILITY						
	1	Perimeter access around the facility is provided at Concord Street sidewalk, formal entrance plaza, access to curb cuts and public transportation, and Union Street. There is no accessible route on a sidewalk from Concord Street	ADA 4.3, 4.6 MAAB SECT. 20,22,23	2. PRIMARY BARRIER	\$4,000.00 (ALLOWANCE)	Recommendation: Construct a secondary walkway along the driveway from Concord Street to the municipal parking lot to provide access to the designated accessible entrance.

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SURVEY CATEGORY :		DESCRIPTION OF BARRIERS:	ADAAG / 521 CMR REF.	BARRIER REMOVAL PRIORITY 1. SAFETY HAZARD 2. PRIMARY BARRIER 3. MODERATE BARRIER 4. LOW PRIORITY	OPINION OF PROBABLE COST	REMARKS:
		requiring a visitor to either walk in the parking driveway or walk around the entire perimeter of the facility (approx. 360 feet).				
	2	Accessible parking is provided in the building rear at the municipal parking lot. The spaces are poorly striped, signage is present. A defined and striped accessible route is not present from Union Street to the designated accessible entrance. Access to the designated accessible entrance from the accessible parking requires a user to navigate around recycling bins (located against the building) and walk into the parking driveway towards the entrance.	ADA 4.3, 4.6 MAAB SECT. 20,22,23	2. PRIMARY BARRIER	\$5,150.00	Recommendation: 1. re-stripe accessible parking spaces. 2. Provide accessible signage designating "van" accessible parking space. 3. Provide striped, unobstructed walkway from Union Street along the building rear to access the designated accessible entrance and accessible parking.

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SURVEY CATEGORY :		DESCRIPTION OF BARRIERS:	ADAAG / 521 CMR REF.	BARRIER REMOVAL PRIORITY 1. SAFETY HAZARD 2. PRIMARY BARRIER 3. MODERATE BARRIER 4. LOW PRIORITY	OPINION OF PROBABLE COST	REMARKS:
	3	The designated accessible entrance is poorly lighted and as such a safety hazard to visitors accessing the facility for evening meetings.	ADA 4.3, 4.6 MAAB SECT. 20,22,23	1. SAFETY HAZARD 2. PRIMARY BARRIER	\$1,750.00 (ALLOWANCE)	Recommendation: Provide additional lighting levels at rear designated accessible entrance, at the accessible parking spaces, and along access routes to Union and Concord Streets.
	4	Exterior stairs are not accessible with accessible nosing (exceeding 1" extension – nosing are rounded however) and handrails (handrails are provided at accessible heights but do not provide the required diameter for gripping and do not provide the required extensions at the top and bottom of stairs) not in compliance.	ADA 4.9 MAAB SECT. 27	2. PRIMARY BARRIER	\$4,000.00 ALLOWANCE FOR NEW HANDRAILS AT UNION AVE AND CONCORD STREET ENTRANCES	Recommendation: Signs are provided that direct users to the designated accessible entrance at the rear of the facility. The existing stairs are original to the facility constructed in 1926 and have historical and architectural significance.
	5	Exterior doors at existing facility entries along Concord Street and Union Street have door opening forces exceeding 15lbs. The entrance doors to the	ADA 4.13 MAAB SECT. 26	2. PRIMARY BARRIER	\$400.00	Recommendation: Adjust existing closers to provide maximum door opening force of 15lbs or replace existing hardware with new to provide maximum door opening force of

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SURVEY CATEGORY :		DESCRIPTION OF BARRIERS:	ADAAG / 521 CMR REF.	BARRIER REMOVAL PRIORITY 1. SAFETY HAZARD 2. PRIMARY BARRIER 3. MODERATE BARRIER 4. LOW PRIORITY	OPINION OF PROBABLE COST	REMARKS:
		Town Manager's / Board of Selectmen entrance exceeded 15lbs door opening force and were difficult to open. Exterior Doors at Union Street and Concord Street plaza into formal entrance were 17lbs door opening force > 15lbs max. required.				15lbs.
	6	Building Services Department is not located on an accessible route, nor has an accessible entrance from within the facility interior nor at the exterior from the municipal parking lot.	ADA 4.14 MAAB SECT. 25	2. PRIMARY BARRIER	\$0.00	Recommendation: The Building Services department works primarily with vendors and town departments. Meetings and appointments with members of the public can be held in available town meeting rooms (for example, Ablondi Room, Nevins Hall, Conference Rooms on Level B).

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ACCESS TO PROGRAM / SERVICES						
	1	1. Fire Extinguisher at RM. 209 at 49" AFF to controls and 32" AFF to leading edge > 27" max. required. 2. Fire Extinguisher at RM. 213 at 50" AFF to controls and 32.5" AFF to leading edge > 27" max. required. 3. Fire Extinguisher at RM. 111 at 48" AFF to controls and 30" AFF to leading edge > 27" max. required. 4. Fire Extinguisher at Level B and entry to Public Hearing Room area at 50" AFF to controls and 30.5" AFF to leading edge > 27" max. required.	ADA 4.2, 4.4, 4.27 MAAB SECT. 6, 20, 39	1. SAFETY HAZARD 2. PRIMARY BARRIER	\$600.00	Recommendation: Lower all fire extinguishers so the leading edge is at 27" AFF max. – typical throughout the facility. (4) PER FLOOR.

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	2	(Level B) Exit at conference room 1 has debris and other stored materials presenting a safety hazard.	ADA 4.3 MAAB SECT. 20,22	1. SAFETY HAZARD 2.PRIMARY BARRIER	\$0.00	Recommendation: Clear debris to provide unobstructed accessible route.
	3	(Level 1) Ablondi Meeting Room a. Sound system speakers are mounted low on the walls with a leading edge at 35.5" AFF > 27" max. required with an 11" projection. b. Cameras are mounted at 69" AFF at the leading edge > 27" AFF max. required with a 12" projection.	ADA 4.4 MAAB SECT. 20	1. SAFETY HAZARD 2.PRIMARY BARRIER	\$1,500.00 (ALLOWANCE)	Recommendation: Adjust the heights of sound system equipment to have a leading edge at max. 27" AFF w/ projection greater than 4" . Camera should be raised so that leading edge is at minimum 80" AFF.
	4	(Level B) Radiator opposite public telephone is mounted with the leading edge at 39.5" AFF > 27" AFF max. with projection at 5". Radiator temperatures are high and present safety	ADA 4.4 MAAB SECT. 20	1. SAFETY HAZARD 2.PRIMARY BARRIER	\$500.00	Recommendation: Provide protective enclosure for radiator for entire length with leading edge at 27" max. AFF to prevent safety hazards and protruding objects.

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		hazard.				
	5	(Level B) Stairwell at building services - doors are 29" clear with door knobs 71" to underside of stair. A 2x4 has been installed as "edge" protection but is only 1.5" height.	ADA 4.4, 4.13 MAAB SECT. 20, 26	1. SAFETY HAZARD 2.PRIMARY BARRIER	\$3,000.00	Recommendation: 1. Provide area of refuge with an emergency call box – existing exit is not accessible. Replace door knobs with lever type door hardware. 2. Provide knee wall at underside of stair to location where descending stair above is at 80" AFF min.
	6	(Level B) Sloped floor – "Ramp" to lower level wing and Building Department. a. Doors are 29" clear width < 32" clear width min. required. b. No level landing as required at doors on push side (though doors are kept open- as fire doors they are supposed to be	ADA 4.8 MAAB SECT. 24	2.PRIMARY BARRIER	\$14,500.00	Recommendation: a. Provide new egress doors at required min. clear width with automatic door openers and pushbutton controls located at the top and bottom of sloped floor corridor. Adjust doors to remain open for extended time to allow users to activate door at bottom of

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		kept closed at all times). c. Sloped Floor measured 4.6% (5.1% in one area) with a smart level. Accounting for material tolerance, sloped floor is not considered a ramp as it does not exceed 5%. Slope length = 11'-9"; width of corridor = 6'-1".				floor slope and pass through the doors. b. Automatic door opener and pushbutton controls would alleviate the requirement for the required CFS at the doors. c. The sloped corridor accessible route is 5% or less and as such is not considered a "ramp". We recommend however, compliant handrails being installed on min. 1 side of the sloped corridor to assist all users. d. Provide non-slip rubberized surface or equal for full length and width of the sloped corridors.

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	7	(Level B) Sloped floor – “Slope” to lower level Public Hearing Room. a. Doors are 29” clear width < 32” clear width min. required. b. No level landing as required at doors on push side (though doors are kept open- as fire doors they are supposed to be kept closed at all times). c. Sloped Floor measured 4.9%-5.1% (5.3% in one area only) with a smart level. Accounting for material tolerance, sloped floor is not considered a ramp as it does not exceed 5%. Slope length = 12’-2”; width of corridor = 7’-2”.	ADA 4.8 MAAB SECT. 24	2.PRIMARY BARRIER	\$18,000.00	Recommendation: a. Provide new egress doors at required min. clear width with automatic door openers and pushbutton controls located at the top and bottom of sloped floor corridor. Adjust doors to remain open for extended time to allow users to activate door at bottom of floor slope and pass through the doors. b. Automatic door opener and pushbutton controls would alleviate the requirement for the required CFS at the doors. c. The sloped corridor accessible route is 5% or less and as such is not considered a “ramp”. We recommend however, compliant handrails being installed on min. 1 side of the sloped corridor to assist all users. We also

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						<p>recommend grinding inconsistent surface areas as required.</p> <p>d. Provide non-slip rubberized surface or equal for full length and width of the sloped corridors.</p>
	8	(ALL Levels) Existing monumental stairs are constructed of solid wood handrails and masonry treads and risers. The handrail section does not provide required gripping surface. Handrail extensions are not provided as required. Railing height at Level 2 corridor is < 42" AFF with no guardrail protection provided-presenting a safety hazard to users.	ADA 4.9 MAAB SECT. 27	1. SAFETY HAZARD 2.PRIMARY BARRIER	<p>\$36,000.00</p> <p>\$600.00</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> Handrails are provided at compliant heights but do not provide the required gripping surface. New handrails constructed in the style of the existing could be installed or the existing handrails modified to have an accessible gripping profile. We believe it is technically infeasible and impracticable for the monumental stair to be modified to provide compliant treads and risers. We recommend providing accessible directional signage with

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					\$4,000.00 \$5,250.00	raised lettering and Braille directing users to the accessible elevator to access other building levels. 3. Provide guardrail, per code, at Levels 1 and 2 of material to match existing. 4. Provide non-slip tread tape at each riser, color to match material if possible to retain architectural integrity.
	9	Stair at Level 1 and chair lift does not have the required handrails.	ADA 4.9 MAAB SECT. 27	2.PRIMARY BARRIER	\$800.00	Recommendation: 1. Provide new compliant handrails per standards.
	10	(Level B) Stair at Public Hearing Room – handrails are not compliant. Doors at 29" clear-doors kept propped open during meeting times.	ADA 4.13, 4.9 MAAB SECT. 26, 27	2.PRIMARY BARRIER	\$875.00	Recommendation: 1. Provide new compliant handrails per standards. 2. Provide accessible directional signage with raised lettering and Braille directing users to the accessible entrance to the Level B Public Hearing Room and

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						Conference Rooms.
	11	(Level B) Center Doors to Public Hearing Room – door opening force > 5lbs. max. required. Handrails at stairs-OK.	ADA 4.13 MAAB SECT. 26	2.PRIMARY BARRIER	\$125.00	Recommendation: Adjust / replace existing door closer to ensure that the door opening force is max. 5lbs.
	12	1. Engineering Staff Room (Level 2) adjacent elevator). Knob door hardware provided. Door clear width 29" < 32" clear width required min. 2. (Level 2) RM. 205 Town Accountant – knob door hardware provided. 3. (ALL Levels) Corridor fire doors – existing fire doors are 29 - 29.5" clear width < 32" clear width min. required. Push plates are provided 1 side with door knobs provided 1 side.	ADA 4.13 MAAB SECT. 26	2.PRIMARY BARRIER	 \$75.00 \$75.00 \$2,250.00	Recommendations: 1. Provide lever type door hardware-typical. 2. Provide lever type door hardware-typical. 3. (15 pairs of doors) Provide lever type door hardware-typical. Replace existing fire doors with new doors that provide required clear width.

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		<p>4. (Level 2) RM. 211 Conservation Commission – door CFS at pull side < 18” min. required.</p> <p>5. (Level 2) RM. 221 Board of Health – door opening force at 8lbs > 5lbs max. required. Door CFS at pull side is 16” < 18” min. required.</p> <p>6. (Level 1) RM 123 Purchasing – Door CFS not provided; no door closer provided.</p> <p>7. (Level 1) RM 131 Door knob hardware provided-NO</p> <p>8. (Level B) Center Doors to Public Hearing Room – door opening force > 5lbs. max. required.</p>			<p>\$0.00</p> <p>\$125.00</p> <p>\$125.00</p> <p>\$75.00</p> <p>\$125.00</p>	<p>4. RM 211 Adjust furniture at door pull side to increase CFS at door.</p> <p>5. Adjust / replace existing door closer hardware as required to maintain door opening force at max. 5lbs.</p> <p>6. Provide new door closer hardware at door. CFS is technically infeasible.</p> <p>7. Provide lever type door hardware-typical.</p> <p>8. Adjust / replace existing door closer to ensure that the door opening force is max. 5lbs.</p>

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		9. (Level B) Exit Door adjacent Planning Board has push handle hardware requiring dexterity to operate-panic hardware not provided. Fire doors are 29" clear width < 32" clear width min. required.			\$2,600.00	9. (1 pair of doors) Provide lever type door hardware-typical. Replace existing fire doors with new doors that provide required clear width. Provide defined area of refuge with emergency call box.
		10. Government Access Studio – door knob hardware provided – lever hardware required.			\$75.00	10. Provide lever type door hardware-typical.
		11. Transportation Coordinator office - door knob hardware provided – lever hardware required. Inadequate CFS push and pull sides of door.			\$75.00	11. Provide lever type door hardware-typical.

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	13	<p>Nevins Hall (Level 1) –</p> <p>a. There are three entrances into the hall from facility corridors. The existing doors, original to the building, provide 29” clear width and have door knobs. Door opening forces range from 15-21 lbs > 5lbs max. required. Doors are kept open as policy during Town events and meetings.</p> <p>b. 2 egress stairs are provided from the hall. The facility is not sprinklered and areas of refuge not provided in stairwells. Egress doors are 30” clear width and have door opening force > 5lbs max. required.</p>	ADA 4.33 MAAB SECT. 14	3.MODERATE BARRIER	<p>\$75.00</p> <p>\$7,500.00</p>	<p>Recommendations:</p> <p>a. Provide lever type door hardware at existing doors. Adopt a policy for meetings and other events where doors are maintained in an open position for access, or install automatic door openers that can control a pair of doors opening.</p> <p>b. Provide designated areas of refuge with emergency call boxes.</p>

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		c. Chair storage is provided at the rear of the hall behind a screen comprised of aluminum poles with fabric covers. The fabric covers are not taught and could present a safety hazard to persons with vision impairments.			\$0.00	c. Consider modifying existing chair enclosure to be more readily visible or detectable to persons with vision impairments.
		d. The stage is accessed from two stairs each with 6 risers at 7" and 11 ½" treads. Handrails are provided 1 side only at 44" AFF with an extension at the top only (no horizontal extension at bottom of stair). The stage height is 42.25" AFF making a ramp impracticable and technically unfeasible.			\$13,500.00	d. Install a chair lift on one side of the stage. incorporate the lift using similar wood casework elements to support the architectural character and significance of the Hall.

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		e. Balcony seating is not accessible. There is an existing ramp (measuring 10% slope > 8.3% max.) up to existing doors (29" clear width) and a second ramp with 3% slope and no landing at doors. Balcony floor has cross slope exceeding 2" max. Balcony center entrance has stair with 5 steps.			\$0.00	e. We believe give the historical character of the existing balcony that it is technically infeasible to provide safe, accessible seating on that level that provides for required sight lines under the standards.
	14	(Level 1) Ablondi Meeting Room a. There are no closers provided on the doors. b. Tables have inadequate knee clearance of 26.5" with a table height of 29". Required knee clearance is 27" min. c. Sound system	ADA 4.33 MAAB SECT. 14	2.PRIMARY BARRIER	\$1000.00	Recommendations: a. Provide closers on entry doors to room. b. Adjust height of existing tables to provide 27" min. knee clearance. c. Relocate existing sound system speakers so that leading edge of speaker or detectable enclosure is mounted at max. 27"

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		speakers are mounted low on the walls with a leading edge at 35.5" AFF > 27" max. required with an 11" projection. d. Cameras are mounted at 69" AFF at the leading edge > 27" AFF max. required with a 12" projection.				AFF. d. Relocate existing cameras to be mounted at 80" AFF min. or provide a detectable enclosure below equipment with leading edge at 27" AFF max.
	15	(Level B) Public Hearing Room a. Tables have inadequate knee clearance of 26.5" with a table height of 29". Required knee clearance is 27" min. b. Sound system speakers are mounted low on the walls with a leading edge > 27" max. required with an 10" projection.	ADA 4.33 MAAB SECT. 14	2.PRIMARY BARRIER	\$750.00	Recommendations: a. Adjust height of existing tables to provide 27" min. knee clearance. b. Relocate existing sound system speakers so that leading edge of speaker or detectable enclosure is mounted at max. 27" AFF. c. Relocate existing cameras to be mounted at 80" AFF min. or provide a detectable

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		c. Cameras are mounted at less than 80" AFF and with the leading edge > 27" AFF max. required with a projection > 4".				enclosure below equipment with leading edge at 27" AFF max.
	16	(Level 2) RM. 203 Public Works Engineering Division – transaction counter at 43" AFF with lowered shelf at 29.75" AFF with a surface of 19"x24" that is inadequate for reviewing large drawings and documents. No accessible room signage provided.	ADA 4.32 MAAB SECT. 35	2.PRIMARY BARRIER	\$1000.00	Recommendation: Provide adequate plan review counter, provide lowered counter at 36" AFF and 36" wide or designate a room or office in the facility as a plan review room with counter at compliant height of 34"-36" with 27" knee clearance min.
	17	(Level 2) RM. 205 Town Accountant – knob door hardware provided.	ADA 4.13 MAAB SECT. 26	2.PRIMARY BARRIER	\$75.00	Recommendation: Provide lever type door hardware-typical.
	18	(Level 2) RM. 221 Board of Health – transaction counter height at 44" AFF with	ADA 4.32 MAAB SECT. 36	2.PRIMARY BARRIER	\$0.00	Recommendation: Clear displayed items from waiting area table and use as

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		no lowered portion at 36" AFF. A secondary table is provided in the waiting area at 30" AFF and adequate knee clearance. Table is used for the display of brochures and publications but according to staff, table is used by ALL visitors to fill out paperwork and forms.				designated transaction surface for all users.
	19	(Level 1) Assessor's Office a. Computer station used by public at 39" AFF – NO. b. Transaction counter made from file cabinets moved together at 39" AFF > 36" AFF with no lowered counter for transactions. c. CFS at door is impacted by storage cabinets and lateral files. d. Door opening force	ADA 4.13, 4.32 MAAB SECT. 26, 35	2.PRIMARY BARRIER	\$1000.00	Recommendation: a. Relocate computer used by the public to accessible location. b. Provide adequate transaction counter at 36" AFF and 36" wide or designate a room or office in the facility as a public review room with counter at compliant height of 34"-36" with 27" knee clearance min. c. Relocate and/or reconfigure existing furniture to provide

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		at 14lbs > 5lbs max. required.				required CFS at doors. d. Adjust / replace existing door closer to ensure that the door opening force is max. 5lbs.
	20	(Level 1) Town Clerk's Office a. Door opening force at 16lbs > 5lbs max. required. b. Transaction counter at 44" AFF with no lowered portion at 36" AFF max.	ADA 4.13, 4.32 MAAB SECT. 26, 35	2.PRIMARY BARRIER	\$1,125.00	Recommendation: a. Adjust / replace existing door closer to ensure that the door opening force is max. 5lbs. b. Provide transaction counter at 36" AFF and 36" wide or provide an alternate table in the seating area that persons can use to complete and review documents and forms.
	21	(Level 1) RM 109 Treasurer a. Directional signage stating "Payments Made to RM 111" provided but not accessible with raised type and Braille.	ADA 4.30 MAAB SECT. 41	2.PRIMARY BARRIER	\$125.00	Recommendation: Provide directional signage at RM 109 directing users to RM 111 for payments to the Tax Collector's Office. Provide signage in raised lettering and Braille and mount at latch side of door at 60" AFF to centerline.

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	22 (Level 1) RM 111 Treasurer / Tax Collector a. Transaction counter slot at 49" AFF with lowered counter at 41" AFF > 36" AFF max. b. Speaker device through protective glass at 61" AFF to centerline. c. Writing counter along wall and waiting line at 40.25" AFF with no lowered portion at 36" AFF. d. Door opening force at 11lbs > 5lbs max. required.	ADA 4.13, 4.32 MAAB SECT. 26, 35	2.PRIMARY BARRIER	\$10,000.00 (allowance)	Recommendation: a. Renovate existing Tax Collector lobby to provide minimum (1) accessible transaction window at max. 36" AFF to highest pass through point. Provide electronic device for aural communication with amplification device at user end. b. Refer to a. c. Provide lowered writing counter at 36" AFF and 36" wide in lobby. d. Adjust / replace existing door closer to ensure that the door opening force is max. 5lbs.
	23 (Level 1) RM 131 Door knob hardware provided-NO	ADA 4.13 MAAB SECT. 26	2.PRIMARY BARRIER	\$75.00	Recommendation: Provide lever type door hardware-typical.
	24 (Level 1) Selectmen's / Town Manager's Office a. Transaction counter at 42.25" AFF with no lowered portion at 36" AFF max.	ADA 4.13, 4.32 MAAB SECT. 26, 35	2.PRIMARY BARRIER	\$1000.00	Recommendation: a. Provide lowered portion of transaction counter at 36" AFF and 36" wide. b. Reconfigure seating to

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SURVEY CATEGORY :		DESCRIPTION OF BARRIERS:	ADAAG / 521 CMR REF.	BARRIER REMOVAL PRIORITY 1. SAFETY HAZARD 2. PRIMARY BARRIER 3. MODERATE BARRIER 4. LOW PRIORITY	OPINION OF PROBABLE COST	REMARKS:
		b. Seating-OK, but provides for limited maneuvering clearance. c. Door opening force at 8lbs > 5lbs max. required.				allow adequate maneuvering clearance for all users. c. Adjust / replace existing door closer to ensure that the door opening force is max. 5lbs.
	25	(Level B) Cultural Council Room a. Room is not accessible for stair access into the room only.	ADA 4.9 MAAB SECT. 27	2.PRIMARY BARRIER	\$0.00	Recommendation: Adopt policy to meet with members of the public in Conference Room 1 or 2, or in one of the three public meetings rooms for larger groups.
	26	(Level B) RM B2 Planning Department a. Meeting table at 30" AFF with knee clearance < 27" min. required.	ADA 4.32 MAAB SECT. 35	2.PRIMARY BARRIER	\$275.00	Recommendation: Raise existing table to a height of 34" AFF max. to attain the required knee clearance at 27" AFF min.
	27	(Level B) RM B7 Human Resources a. Door opening force > 5lbs. max. required. b. Push side CFS < 12" min. required.	ADA 4.13 MAAB SECT. 26	2.PRIMARY BARRIER	\$125.00	Recommendation: a. Adjust / replace existing door closer to ensure that the door opening force is max. 5lbs. b. Reconfigure furniture as required to provide

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						required CFS at door.
	28	Transportation Coordinator office - door knob hardware provided – lever hardware required. Inadequate CFS push and pull sides of door.	ADA 4.13 MAAB SECT. 26	2.PRIMARY BARRIER	\$75.00	Recommendation: 1. Provide lever type door hardware-typical. 2. Door kept open during business hours as policy.
	29	(Level B) Women's Toilet – radiator protrudes 5" at 31" AFF > 27" AFF max. to leading edge.	ADA 4.4 MAAB SECT. 20	1. SAFETY HAZARD 2.PRIMARY BARRIER	\$550.00	Recommendation: Provide protective enclosure for radiator with leading edge at 27" AFF max.
	30	Existing flooring materials in the facility consist of poured terrazzo with a polished finish and polished marble for the formal monumental stairwell. These materials are historic to the 1926 facility.	ADA 4.5 MAAB SECT. 22, 29	1. SAFETY HAZARD 2.PRIMARY BARRIER	\$2,000.00 (allowance)	Recommendation: Slip resistance of materials is important for access in Town Hall. We believe the historic quality of the facility can be maintained while making provisions for potential slip conditions on existing flooring materials during inclement weather. We recommend installing rubber based, low pile flooring mats, with slip resistance at the elevator entrance at all facility levels and designated accessible entrance lobby at the building rear. Additionally, provide like mats at

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						the entrance to the Board of Selectmen's/Town manager's Office lobby, formal entrance from Union and Concord Streets. Facilities maintenance should provide ongoing maintenance of accessible routes during inclement weather to reduce wet conditions and slipping potential.
	31	Secondary Accessible Entrance – non-mechanical Given the dependency on the single designated accessible elevator entrance at the rear of the facility to access the facility and programs and services offered by each department, a second non-mechanical entrance should be considered.	ADA 4.14	3.MODERATE BARRIER	\$150,000.00 (ALLOWANCE)	Recommendation: Install new accessible ramp with access to Level B from street level (may be feasible along Union Street). New ramp shall comply with all applicable requirements under the standards. Provide automatic door openers and controls or manual doors. Non-mechanical access to the Level B provides for program and service access to at least one facility level at all times, access to public toilet rooms and public TTY telephone, Public Hearing Room, Conference Rooms 1 and 2, and access to the Transportation Office (LIFT). In the event of interruptions in elevator service, town meetings can be held on the Level B and

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						programs and services will be accessible.
ACCESS TO PUBLIC REST ROOMS						
	1.	(Level B) Men's public toilet a. Designated accessible sink is located adjacent to a backflow preventer valve and over an access grate (diamondplate steel). b. Stall –Toilet paper dispenser 12" beyond front edge of toilet – falling hazard. c. Stall-toilet fixture is 15" from partition to fixture centerline.	ADA 4.22 MAAB SECT. 30	2. PRIMARY BARRIER	\$625.00	Recommendations: a. Relocate accessible sink to location of another sink on the accessible route. Ensure that fixture leading edge is mounted at 27" AFF to allow knee clearance and as not to become a protruding object. Replace "accessible" mirror with like mirror to others mounted at accessible height. b. Relocate toilet paper dispenser to be adjacent to the toilet seat not in front-mount at accessible height below or above the grab bar. c. Adjust location and

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						plumbing of toilet if undertaking renovations in the toilet room or if required as part of substantial alterations to the facility.
	2	(Level B) Women's public toilet a. Toilet stall – no lock provided at stall door.	ADA 4.22 MAAB SECT. 30	2. PRIMARY BARRIER	\$75.00	Recommendations: a. Install new door lock with paddle controls.
ACCESS TO SIGNAGE AND AMENITIES						
	1	Accessible signage with raised / Braille identifying exit stairs and the monumental stair names/numbers are NOT present in the facility.	ADA 4.30 MAAB SECT. 41	2. PRIMARY BARRIER	\$1,575.00 (allowance)	Recommendation: Provide accessible signage with raised lettering and Braille at all fire egress stairs, and the monumental stair. Provide directional signage at the monumental stair directing users to the accessible elevator.
	2	Accessible signage not provided at RM 203 Public Works Engineering Division.	ADA 4.30 MAAB SECT. 41	2. PRIMARY BARRIER	\$75.00 (allowance)	Recommendation: Provide accessible signage with raised lettering and Braille at RM 203 mounted at 60" AFF to the

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						centerline on the latch side of the door.
	3	Directional signage with the International symbol of accessibility are installed on all levels but do not provide information as to what is accessible and no raised lettering or Braille is provided.	ADA 4.30 MAAB SECT. 41	2. PRIMARY BARRIER	\$675.00 (allowance)	Recommendation: Provide accessible directional signage with raised lettering and Braille at each change in corridor direction, directing users towards the accessible elevator. It is also recommended, that given the long travel distances required by individuals that directional signage indicating room numbers and perhaps distances in feet indicated, mounted at 60" AFF to the centerline on the latch side of the door.
	4	Relocation of high use offices and installation of Emergency Call Boxes	ADA 4.28 MAAB SECT. 40	2. PRIMARY BARRIER	\$4,500.00 (allowance)	Recommendation: The existing Town hall facility is large with exhaustive travel distances required to access offices for example, Board of Health on Level 2. It is recommended that offices receiving significant public use be relocated to the wing closest to the accessible elevator. Also, as the facility is large and remoteness not only a physical endurance issue but also a safety issue, we recommend installing

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						Emergency Call Boxes at each level adjacent to the elevator, adjacent the monumental stair, and the exit stair over 260 feet from the accessible elevator.
	5	The following Town Departments handle a large volume of telephone communications with the public and do not have TTY capabilities: a. Town Manager / Board of Selectmen's Office b. Public Works Engineering Division c. Conservation Commission d. Public Works e. Assessor's Office f. Town Clerk's Office g. Tax Collector's Office h. Planning Department i. Building	ADA 4.33 MAAB SECT. 14	4. LOW PRIORITY	\$4,800.00 (allowance)	Recommendation: Install TTY telephone in each of the following departments and provide training for staff on the use of the equipment. Update Town website and printed materials with TTY telephone numbers: i. Town Manager / Board of Selectmen's Office j. Public Works Engineering Division k. Public Works l. Assessor's Office m. Town Clerk's Office n. Tax Collector's Office o. Planning Department p. Building Inspector's Office

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		Inspector's Office				
	6	Drinking Fountains are provided on all levels but are not accessible. An accessible drinking fountain is provided in the Men's and Women's toilet rooms only on level B. Drinking fountains in men's and Women's toilet rooms are mounted with the spout at 36.75" AFF.	ADA 4.15 MAAB SECT. 36	3. MODERATE BARRIER	\$3,000.00 (allowance)	Recommendation: Remove non-compliant drinking fountains ALL Levels and provide minimum (1) accessible drinking fountain each Level, located on an accessible route, and installed at accessible heights. Lower height of existing accessible drinking fountains on Level B for spout at 36" AFF and leading edge of fountain at 27" min./max.
					\$318,225.00	OPINION OF PROBABLE COST TOTAL FOR BARRIER REMOVAL

5.6 ADDITIONAL RECOMMENDATIONS

RELOCATION OF TOWN DEPARTMENTS WITHIN MEMORIAL BUILDING

The Memorial Building / Framingham Town Hall presents several challenges to accessibility, barrier removal and program accessibility due to its size and configuration in two very long, connected, building wings.

In an effort to improve program accessibility to Town departments and to reduce the lengthy travel distances required from the designated accessible entrance to remote Town offices, for example, Board of Health (refer to Appendix D for specific travel distance by floor), and to eliminate existing barriers on Level B for example the stairs that lead to the Inspectional Services Department, we recommend relocating key Town departments on each level as follows:

LEVEL 2

DEPARTMENT	Current location	Proposed Location
Board of Health	RM. 221	Combined RM. 201 and RM. 203
DPW	RM.'s 213 / 215	RM. 205
Conservation Commission	RM. 211	RM. 207
DPW Engineering / Drafting	RM. 201 and RM. 203	RM. 221
CFO	RM.207	RM. 217
Accounting Department	RM. 205	RM. 215 and RM. 213

LEVEL 1

DEPARTMENT	Current location	Proposed Location
Assessor's Office	RM. 101	No Change
Town Clerk's Office	RM.'s 105	No Change
Treasurer	RM. 109	No Change
Tax Collector / Treasurer	RM. 111	No Change
Cultural Director / Start Partnership	RM.113	No Change
Town Manager's / Selectmen's Office	RM. 121	No Change

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LEVEL B

DEPARTMENT	Current location	Proposed Location
Planning Department; Housing Rehabilitation; and Planning Board	RM. B2 + RM. B3	Combine Department and relocate to RM. B12 and RM. B10
Planning and Housing add'l	Does not currently exist	RM. B14
NEW Reception for Planning and Housing	RM. B2 + RM. B3	RM. B35
NEW Plan Room for use by Planning, Housing, and Building Inspection Services	Does not currently exist	RM. B37
Human Resources	RM. B7	No Change
Payroll Office	RM. B11	No Change
Technology Services	RM. B25	No Change
Retirement Services	RM. B31	Combine with Veteran's Services and relocate to RM. B2
Inspectional Services	RM. B10	RM. B31
Veteran's Services	RM. B35	Combine with Veteran's Services and relocate to RM. B2
Administrative Conference Room	Does not currently exist	RM. B5
LIFT Office	RM. B14	RM. B3
Planning Board	RM. B37	Combine Department and relocate to RM. B12 and RM. B10

POLLING LOCATIONS

Polling locations for the Town were surveyed as part of our review of the Town Manager's / Board of Selectmen's and Town Clerk's offices. Appendix E Summary of Polling Locations identifies all current polling locations used by the Town and the existing condition of accessibility at each site. The Massachusetts Polling Place Accessibility Survey prepared by the Massachusetts Office on Disability in June 2004 was also reviewed. We found that our on-site surveys of each polling location produced a greater list of architectural barriers and locations than that produced by the MOD. Several polling locations the MOD assessed were in compliance, our on-site survey determined were not in compliance.

In order to ensure program accessibility to all polling locations we recommend the Town carefully review Appendix E and consider alternative polling locations or accommodations on as needed basis or as requested basis to provide equal access to voting.